

A G E N D A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
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**METRO**

**Agenda**

MEETING: METRO COUNCIL REGULAR MEETING  
DATE: June 17, 1999  
DAY: Thursday  
TIME: 2:00 PM  
PLACE: Council Chamber

**CALL TO ORDER AND ROLL CALL**

1. **INTRODUCTIONS**
2. **CITIZEN COMMUNICATIONS**
3. **EXECUTIVE OFFICER COMMUNICATIONS**
4. **AUDITOR COMMUNICATIONS**
5. **MPAC COMMUNICATIONS**
6. **METRO LEGISLATIVE UPDATE** PacWest
7. **CONSENT AGENDA**
- 7.1 Consideration of Minutes for the June 10, 1999 Metro Council Regular Meeting.
8. **ORDINANCES - SECOND READING**
- 8.1 **Ordinance No. 99-793A**, For the Purpose of Adopting the Annual Budget for Fiscal Year 1999-00, Making Appropriations, and Levying Ad Valorem Taxes, and Declaring an Emergency. McLain
- 8.2 **Ordinance No. 99-806**, For the Purpose of Granting a New Composting Facility License to the Relocated City of Portland Leaf Composting Facility. Washington
- 8.3 **Ordinance No. 99-809**, For the Purpose of Amending Ordinance No. 98-788C Which Amends the Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance No. 95-625A in Urban Reserve Area 55 of Washington County. McLain

**9. RESOLUTIONS**

- 9.1 **Resolution No. 99-2783**, For the Purpose of Authorizing and Entering Into a Cooperative Agreement with the Oregon Parks Foundation to Acquire and Manage Funds for the Construction and Operation of the Diack Nature Center at Oxbow Regional Park. Washington
  
- 9.2 **Resolution No. 99-2792**, For the Purpose of Authorizing Release of RFB #99B-15-REM for the Replacement of a Solid Waste Compaction System at the Metro Central Station. McLain
  
- 9.3 **Resolution No. 99-2798**, For the Purpose of Extending the Effective Date of Resolutions No. 98-2726B, 98-2728C and 98-2729C Relating to Statements of Intent to Amend the Urban Growth Boundary. McLain
  
- 9.4 **Resolution No. 99-2799**, For the Purpose of Amending the Metropolitan Transportation Improvement Program (MTIP) to Program the Portland Regional Job Access Plan. Atherton
  
- 9.5 **Resolution No. 99-2802**, For the Purpose of Granting Time Extensions to the Functional Plan Compliance Deadline - June 1999. McLain

**10. COUNCILOR COMMUNICATION**

**ADJOURN**

**Cable Schedule for June 17, 1999 Metro Council Meeting**

|   | Sunday<br>(6/20)            | Monday<br>(6/21)             | Tuesday<br>(6/22) | Wednesday<br>(6/23) | Thursday<br>(6/17)           | Friday<br>(6/18)             | Saturday<br>(6/19)          |
|---|-----------------------------|------------------------------|-------------------|---------------------|------------------------------|------------------------------|-----------------------------|
| <b>CHANNEL 11</b><br>(Community Access Network) (most of Portland area)                       |                             |                              |                   |                     |                              | 2:00 P.M. *                  |                             |
| <b>CHANNEL 21</b><br>(TVCA)<br>(Washington Co., Lake Oswego, Wilsonville)                     | 7:00 P.M. *                 | 1:00 A.M.<br>*               |                   | 7:00 P.M. *         |                              |                              |                             |
| <b>CHANNEL 30</b><br>(TVCA)<br>(NE Washington Co. - people in Wash. Co. who get Portland TCI) | 7:00 P.M. *                 |                              |                   | 7:00 P.M.*          |                              |                              |                             |
| <b>CHANNEL 30</b><br>(CityNet 30)<br>(most of Portland area)                                  |                             | 2:00 P.M.<br>(5/10 meeting)  |                   |                     |                              |                              |                             |
| <b>CHANNEL 30</b><br>(West Linn Cable Access)<br>(West Linn, Rivergrove, Lake Oswego)         |                             | 12:00 P.M.<br>(6/10 meeting) |                   | 10:00 P.M.          | 11:00 P.M.<br>(6/10 meeting) | 10:30 P.M.<br>(6/10 meeting) | 7:00 A.M.<br>(6/10 meeting) |
| <b>CHANNEL 19</b><br>(Milwaukie TCI)<br>(Milwaukie)   | 4:00 P.M.<br>(6/10 meeting) |                              |                   |                     |                              | 10:00 P.M.<br>(6/10 meeting) | 9:00 A.M.<br>(6/10 meeting) |

\* These meetings may be preceded by a 30-minute public affairs program, *The Regional Report*, produced by Metro.

**PLEASE NOTE THAT ALL SHOWING TIMES ARE TENTATIVE BASED ON THE INDIVIDUAL CABLE COMPANIES' SCHEDULES.**

PUBLIC HEARINGS: Public Hearings are held on all Ordinances second read and on Resolutions upon request of the public. Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

*Agenda Item Number 7.1*

Consideration of the June 10, 1999 Metro Council Meeting minutes.

Metro Council Meeting  
Thursday, June 17, 1999  
Council Chamber

*Agenda Item Number 8.1*

**Ordinance No. 99-793A, For the Purpose of Adopting the Annual Budget for Fiscal Year 1999-00,  
Making Appropriations, and Levying Ad Valorem Taxes, and Declaring an Emergency..**

***Second Reading***

Metro Council Meeting  
Thursday, June 17, 1999  
Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE )  
ANNUAL BUDGET FOR FISCAL YEAR )  
1999-00, MAKING APPROPRIATIONS, )  
AND LEVYING AD VALOREM TAXES, AND )  
DECLARING AN EMERGENCY )

ORDINANCE NO. 99-793A

Introduced by  
Mike Burton, Executive Officer

WHEREAS, the Multnomah County Tax Supervising and Conservation Commission held its public hearing on the annual Metro budget for the fiscal year beginning July 1, 1999, and ending June 30, 2000; and

WHEREAS, recommendations from the Multnomah County Tax Supervising and Conservation Commission have been received by Metro (attached as Exhibit A and made a part of the Ordinance) and considered; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The "Fiscal Year 1999-00 Metro Budget," in the total amount of ~~THREE HUNDRED SIXTY SEVEN MILLION, TWO HUNDRED EIGHTY SEVEN THOUSAND, SIX HUNDRED SEVENTY FOUR (\$367,287,674)~~ THREE HUNDRED EIGHTY-TWO MILLION, THREE HUNDRED FIFTEEN THOUSAND, FIVE HUNDRED EIGHT (\$382,315,508) DOLLARS, attached hereto as Exhibit B, and the Schedule of Appropriations, attached hereto as Exhibit C, are hereby adopted.

2. The Metro Council does hereby levy ad valorem taxes, as provided in the budget adopted by Section 1 of this Ordinance, at the rate of \$0.0966 per thousand dollars of assessed value for Zoo operations and in the amount of ~~SEVENTEEN MILLION THREE HUNDRED FIFTY TWO THOUSAND TWO HUNDRED TWENTY FOUR (\$17,352,224)~~ SEVENTEEN MILLION, SIX HUNDRED SEVENTY-SEVEN THOUSAND, SEVEN HUNDRED FIFTY-SIX (\$17,677,756) DOLLARS for general obligation bond debt, said taxes to be levied upon taxable properties within the Metro District for the fiscal year 1999-00. The following allocation and categorization subject to the limits of Section 11b, Article XI of the Oregon Constitution constitute the above aggregate levy.

SUMMARY OF AD VALOREM TAX LEVY

|                              | Subject to the<br>General Government<br><u>Limitation</u> | Excluded from<br>the <u>Limitation</u> |
|------------------------------|---|--|
| Zoo Tax Base                 | \$0.0966/\$1,000  |  |
| General Obligation Bond Levy | <del>\$17,352,224</del>                                   | <u>\$17,677,756</u>                    |

3. The Washington Park Parking Lot Fund is hereby eliminated. The balance of the fund is zero.

~~4. The Convention Center Project Capital Fund is hereby eliminated. The balance of the fund is zero.~~

54. In accordance with Section 2.02.125 of the Metro Code, the Metro Council hereby authorizes positions and expenditures in accordance with the Annual Budget adopted by Section 1 of this Ordinance, and hereby appropriates funds for the fiscal year beginning July 1, 1999, from the funds and for the purposes listed in the Schedule of Appropriations, Exhibit C.

65. Pursuant to Metro Code 2.04.026(b) the Council designated the contracts which have significant impact on Metro for FY 1998-99 and their designations as shown in Exhibit D, attached hereto.

76. The Executive Officer shall make the filings as required by ORS 294.555 and ORS 310.060, or as requested by the Assessor's Office of Clackamas, Multnomah, and Washington Counties.

87. This Ordinance being necessary for the health, safety, or welfare of the Metro area, for the reason that the new fiscal year begins July 1, 1999, and Oregon Budget Law requires the adoption of a budget prior to the beginning of the fiscal year, an emergency is declared to exist and the Ordinance takes effect upon passage.

ADOPTED by the Metro Council on this \_\_\_\_\_ day of June, 1999.

\_\_\_\_\_  
Rod Monroe, Presiding Officer

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

KR:rs

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## STAFF REPORT

### CONSIDERATION OF ORDINANCE NO. 99-793 ADOPTING THE ANNUAL BUDGET FOR FISCAL YEAR 1999-00, MAKING APPROPRIATIONS AND LEVYING AD VALOREM TAXES, AND DECLARING AN EMERGENCY

Date: January 28, 1999

Presented by: Mike Burton  
Executive Officer

## FACTUAL BACKGROUND AND ANALYSIS

I am forwarding to the Council for consideration and approval my proposed budget for Fiscal Year 1999-00.

Council action, through Ordinance No. 99-793, is the final step in the process for the adoption of Metro's operating financial plan for the forthcoming fiscal year. Final action by the Council to adopt this plan must be completed by June 30, 1999.

Oregon Revised Statutes 294.635, Oregon Budget Law, requires that Metro prepare and submit Metro's approved budget to the Tax Supervising and Conservation Commission by May 15, 1999. The Commission will conduct a hearing during June 1999 for the purpose of receiving information from the public regarding the Council's approved budget. Following the hearing, the Commission will certify the budget to the Council for adoption and may provide recommendations to the Council regarding any aspect of the budget.

Once the budget plan for Fiscal Year 1999-00 is adopted by the Council, the number of funds and their total dollar amount and the maximum tax levy cannot be amended without review and certification by the Tax Supervising and Conservation Commission. Adjustments, if any, by the Council to increase the level of expenditures in a fund are limited to no more than 10 percent of the total value of any fund's appropriations in the period between Council approval and adoption.

Exhibits B and C of the Ordinance will be available at the public hearing on February 11, 1999.

## EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 99-793.

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*Agenda Item Number 8.2*

**Ordinance No. 99-806, For the Purpose of Granting a New Composting Facility License to the Relocated City of Portland Leaf Composting Facility.**

***Second Reading***

**Metro Council Meeting  
Thursday, June 17, 1999  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING A NEW ) ORDINANCE NO. 99-806  
COMPOSTING FACILITY LICENSE TO )  
THE RELOCATED CITY OF PORTLAND )  
LEAF COMPOSTING FACILITY )  
) Introduced by Mike Burton,  
) Executive Officer

WHEREAS, Metro Code Section 5.01.045(b)(2) requires an owner or operator of a yard debris processing facility to be licensed by Metro; and

WHEREAS, The City of Portland Leaf Composting Facility has relocated its Metro-licensed (YD-0297), municipal leaf composting operations from 9646 NE 33<sup>rd</sup> Avenue, to a new site located at 9325 NE Sunderland Avenue, in Portland Oregon; and

WHEREAS, Metro Ordinance Number 97-717 authorized the Executive Officer to enter into a licensing agreement (YD-0297) with The City of Portland Leaf Composting Facility for the previous operations located at 9646 NE 33<sup>rd</sup> Avenue in Portland; and

WHEREAS, The relocated City of Portland Leaf Composting Facility requires a new Metro license; and

WHEREAS, The City of Portland Leaf Composting Facility has filed a license application for the new facility site pursuant to Metro Code Section 5.01.060; and

WHEREAS, The City of Portland Leaf Composting Facility has provided the information required in the application in the form specified by the Executive Officer; and

WHEREAS, The Executive Officer has reviewed the application of The City of Portland Leaf Composting Facility as required by Metro Code Sections 5.01.067(a) through (d); and

WHEREAS, The Executive Officer has formulated recommendations on the criteria listed in Metro Code Section 5.01.060; and

WHEREAS, The City of Portland Leaf Composting Facility is in good standing with Metro and has consistently operated in accordance with its Metro license agreement; and

WHEREAS, nuisance impacts from yard debris processing facilities such as odor, dust, and noise can adversely affect the health, safety, and welfare of the public; and

WHEREAS, the purpose of the licensing agreement is to protect the health, safety, and welfare of Metro area residents; and

WHEREAS, The Executive Officer has recommended that the new facility license be granted, and the previous facility license (No. YD-0297, granted on January 6, 1998), be rescinded and has forwarded those recommendations to the Council as required by Metro Code Section 5.01.067(d); now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Council authorizes the Executive Officer to enter into the License Agreement for a composting facility, in a form substantially similar to the form attached as Exhibit A, subject to the terms, conditions, and limitations contained therein.
2. The Council authorizes the Executive Officer to rescind Metro Yard Debris Composting Facility License Agreement Number YD-0297, dated January 6, 1998.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 1999.

\_\_\_\_\_  
Rod Monroe, Presiding Officer

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

# COMPOSTING FACILITY LICENSE

## Number YD-012-99

Issued by

**Metro**

600 NE Grand Avenue

Portland, OR 97232

Telephone: (503) 797-1650

Issued in accordance with the provisions of Metro Code Chapter 5.01

|  |  |
|--|--|
| <b>LICENSEE:</b><br>City of Portland (Attn: Randy Johnson)<br>Bureau of Maintenance<br>2929 N. Kerby<br>Portland, OR 97227<br>(503) 823-1707 | <b>FACILITY NAME AND LOCATION:</b><br>City of Portland Leaf Composting Facility<br>9325 N.E. Sunderland Avenue<br>Portland, OR 97211                 |
| <b>OPERATOR:</b><br>Stormwater Management<br>2035 N.E. Columbia Boulevard<br>Portland, OR 97211  | <b>PROPERTY OWNER:</b><br>City of Portland<br>Bureau of Maintenance<br>1120 SW 5 <sup>th</sup> Avenue, #1204<br>Portland, OR 97204<br>(503) 823-6932 |

This license is granted to the licensee named above and may not be transferred without the prior written approval of the Executive Officer. Subject to the conditions stated in this license document, the licensee is authorized to operate and maintain a yard debris composting facility, and to accept the solid wastes and perform the activities authorized herein.

License begins: \_\_\_\_\_

Expiration: \_\_\_\_\_

Signed:

Acceptance & Acknowledgement of Receipt:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature of Licensee

**Mike Burton, Metro Executive Officer**

\_\_\_\_\_  
Print name and title

\_\_\_\_\_  
Print name and title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



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## **2.0 CONDITIONS AND DISCLAIMERS**

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- 2.1 Guarantees** The granting of this license shall not vest any right or privilege in the licensee to receive specific quantities of solid waste at the direction of Metro during the term of the license.
- 2.2 Non-exclusive license** The granting of this license shall not in any way limit Metro from granting other solid waste licenses within the District.
- 2.3 Property rights** The granting of this license does not convey any property rights in either real or personal property, nor does it authorize any injury to private property or invasion of property rights.
- 2.4 No recourse** The licensee shall have no recourse whatsoever against the District or its officials, agents or employees for any loss, costs, expense or damage arising out of any provision or requirement of this license or because of the enforcement of the license or in the event the license or any part thereof is determined to be invalid.
- 2.5 Release of liability** Metro, its elected officials, employees, or agents do not sustain any liability on account of the granting of this license or on account of the construction, maintenance, or operation of the facility pursuant to this license.
- 2.6 Binding nature** The conditions of this license are binding on the licensee. The licensee is liable for all acts and omissions of the licensee's contractors and agents.
- 2.7 Waivers** To be effective, a waiver of any terms or conditions of this License must be in writing and signed by the Metro Executive Officer.
- 2.8 Effect of waiver** Waiver of a term or condition of this License shall not waive nor prejudice Metro's right otherwise to require performance of the same term or condition or any other term or condition.
- 2.9 Choice of law** The License shall be construed, applied and enforced in accordance with the laws of the State of Oregon.
- 2.10 Enforceability** If any provision of this License is determined by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, the validity of the remaining provisions contained in this License shall not



be affected.

- 2.11 License not a waiver** Nothing in this license shall be construed as relieving any owner, operator, or licensee from the obligation of obtaining all required permits, licenses, or other clearances and complying with all orders, laws, regulations, reports or other requirements of other regulatory agencies.
- 2.12 License not limiting** Nothing in this license is intended to limit the power of a federal, state, or local agency to enforce any provision of law relating to the solid waste facility that it is authorized or required to enforce or administer.
- 2.13 Inadvertent composting** Nothing in this license is intended to authorize or establish standards or otherwise approve of inadvertent composting resulting from the storage of organic materials.
- 2.14 Definitions** Unless otherwise specified, all other terms are as defined in Metro Code Chapter 5.01.

### **3.0 AUTHORIZATIONS**

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- 3.1 Purpose** This section of the license describes the wastes that the licensee is authorized to accept at the facility, and the activities the licensee is authorized to perform at the facility.
- 3.2 General conditions on solid wastes** The licensee is authorized to accept at the facility only the solid wastes described in this section. The licensee is prohibited from knowingly receiving any solid waste not authorized in this section.
- 3.3 General conditions on activities** The licensee is authorized to perform at the facility only those activities that are described in this section.
- 3.4 Authorized materials** The licensee is authorized to accept source-separated yard debris, leaves from municipal collection programs, landscape waste, and clean wood wastes (e.g.: untreated lumber and wood pallets). No other wastes shall be accepted at the Facility unless specifically authorized in writing by the Executive Officer.





## **4.0 LIMITATIONS AND PROHIBITIONS**

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- 4.1 Purpose** This section of the license describes limitations and prohibitions on the wastes handled at the facility and activities performed at the facility.
- 4.2 Prohibited waste** The Licensee is prohibited from receiving, processing or disposing of any solid waste not authorized in this License. The licensee shall not knowingly accept or retain any material amounts of the following types of wastes: materials contaminated with or containing friable asbestos; lead acid batteries; liquid waste for disposal; vehicles; infectious, biological or pathological waste; radioactive waste; hazardous waste; or any waste prohibited by the DEQ.
- 4.3 No disposal of recyclable materials** Source-separated recyclable materials, yard debris or organic materials accepted at the facility may not be disposed of by landfilling.
- 4.4 Limits not exclusive** Nothing in this section of the license shall be construed to limit, restrict, curtail, or abrogate any limitation or prohibition contained elsewhere in this license document, in Metro Code, or in any federal, state, regional or local government law, rule, regulation, ordinance, order or permit.

## **5.0 OPERATING CONDITIONS**

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- 5.1 Purpose** This section of the license describes criteria and standards for the operation of the facility.
- 5.2 Qualified Operator** The licensee shall provide an operating staff qualified to carry out the functions required by this license and to otherwise ensure compliance with Metro Code Chapter 5.01.
- 5.3 Operating plan** The licensee shall establish and follow procedures for accepting, managing and processing loads of solid waste received at the facility. Such procedures must be in writing and in a location where facility personnel and the Executive Officer can readily reference them. The licensee may, from time to time, modify such procedures. The procedures shall include at least the following:
- a. Methods of inspecting incoming loads for the presence of prohibited or unauthorized waste.



- b. Methods for managing and transporting for disposal at an authorized disposal site each of the prohibited or unauthorized wastes if they are discovered at the facility.
- c. Objective criteria for accepting or rejecting loads.
- d. Methods for measuring and keeping records of incoming waste
- e. A general description of any treatment the wastes will receive prior to processing (e.g., chipping, shredding) and the maximum length of time required to process each day's receipt of waste into windrows or other piles.
- f. The specifications to which the windrows or other piles will be constructed (width, height, and length) and calculation of the capacity of the facility.
- g. An estimate of the length of time necessary to complete the process.
- h. Methods for monitoring and adjusting temperature, oxygen level and moisture level of the material during processing.

**5.4 Capacity**

Storage and handling capacities shall not be exceeded. The facility shall have sufficient processing capacity to handle projected incoming volumes of materials. Facility design shall address specific capacity and storage issues, including:

- a. Capacity for incoming wastes waiting to be processed.
- b. Capacity for proper handling, storage, and removal of hazardous or other non-permitted wastes delivered to or generated by the facility.
- c. Capacity for finished product storage.

**5.5 Fire prevention**

The operator shall provide fire prevention, protection, and control measures, including but not limited to, temperature monitoring of windrows, adequate water supply for fire suppression, and the isolation of potential heat sources and/or flammables from the composting pad/processing area.

**5.6 Adequate vehicle accommodation**

Vehicles containing landscape waste or yard debris feedstock/waste shall not park or queue on public streets or roads except under emergency conditions. Adequate off-street parking and queuing for vehicles shall be provided.



- 5.7 Managing authorized wastes** All authorized solid wastes received at the facility must be either (a) processed, (b) appropriately stored, or (c) properly disposed of, within a timeframe that avoids creating nuisance conditions or safety hazards.
- 5.8 Storage** Stored materials and solid wastes shall be suitably contained and removed at sufficient frequency to avoid creating nuisance conditions or safety hazards. Storage areas must be maintained in an orderly manner and kept free of litter.
- 5.9 Litter and airborne debris** The licensee shall operate the facility in a manner that is not conducive to the generation of litter and airborne debris. The licensee shall:
- a. Take reasonable steps to notify and remind persons delivering solid waste to the facility that all loads must be suitably secured to prevent any material from blowing off the load during transit.
  - b. Construct, maintain, and operate all vehicles and devices transferring or transporting solid waste from the facility to prevent leaking, spilling or blowing of solid waste on-site or while in transit.
  - c. Keep all areas within the site and all vehicle access roads within  $\frac{1}{4}$  mile of the site free of litter and debris.
- 5.10 Odor** The licensee shall operate the facility in a manner that is not conducive to the generation of odors. The licensee shall:
- a. Clean the areas and equipment that come into contact with solid waste on a regular basis.
  - b. Establish and follow procedures for minimizing odor at the facility. Specific measures an operator shall take to control odor include but are not limited to adherence to the contents of a required odor minimization plan (see Section 6.0). Such procedures must be in writing and in a location where facility personnel and Metro inspectors can readily reference them. The licensee may modify such procedures from time to time. The procedures shall include at least the following: (1) methods that will be used to minimize, manage, and monitor all odors of any derivation including malodorous loads received at the facility, (2) procedures for receiving and recording odor complaints, and (3) procedures for immediately investigating any odor complaints in order to determine the cause of odor emissions, and promptly remedying any odor problem at the facility.



- 5.11 Vectors** The licensee shall operate the facility in a manner that is not conducive to infestation of rodents, insects, or other animals capable of transmitting, directly or indirectly, infectious diseases to humans or from one person or animal to another.
- 5.12 Noise** The licensee shall operate the facility in a manner that controls the creation of excessive noise to the extent necessary to meet applicable regulatory standards and land-use regulations.
- 5.13 Water quality** The licensee shall operate and maintain the facility to prevent contact of solid wastes with stormwater runoff and precipitation. Methods must be consistent with the controlling agency (local jurisdiction and DEQ).
- 5.14 Public Access** Public access to the facility shall be controlled as necessary to prevent unauthorized entry and dumping.
- 5.15 Signage** The licensee shall post signs at all public entrances to the facility, and in conformity with local government signage regulations. These signs shall be easily and readily visible, legible, and shall contain at least the following information:
- a. Name of the facility
  - b. Address of the facility;
  - c. Emergency telephone number for the facility;
  - d. Operating hours during which the facility is open for the receipt of authorized waste;
  - e. Fees and charges;
  - f. Metro's name and telephone number 797-1650; and
  - g. A list of all authorized and prohibited wastes.
- 5.16 Complaints** The licensee shall respond to all written complaints on nuisances (including, but not limited to, blowing debris, fugitive dust or odors, noise, traffic, and vectors). If licensee receives a complaint, licensee shall:
- a. Attempt to respond to that complaint within one business day, or sooner as circumstances may require, and retain documentation of unsuccessful attempts; and
  - b. Log all such complaints by name, date, time and nature of complaint. Each log entry shall be retained for one year



and shall be available for inspection by Metro.

- 5.17 Access to license document** The licensee shall maintain a copy of this Metro Solid Waste Facility License on the facility's premises, and in a location where facility personnel and Metro representatives have ready access to it.

## **6.0 ODOR MINIMIZATION PLAN**

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- 6.1 Purpose** This section describes the minimum requirements that must be contained in an odor minimization plan.
- 6.2 Plan requirements** The operator shall have an odor minimization plan. The plan must include methods to minimize, manage and monitor all odors, including odors produced by grass clippings. The plan must include:
- a. A management plan for malodorous loads;
  - b. Procedures for receiving and recording odor complaints, immediately investigating any odor complaints to determine the cause of odor emissions, and remedying promptly any odor problem at the facility;
  - c. Additional odor-minimizing measures, which may include the following:
    - (1) Avoidance of anaerobic conditions in the composting material;
    - (2) Use of mixing for favorable composting conditions;
    - (3) Formation of windrow or other piles into a size and shape favorable to minimizing odors; and
    - (4) Use of end-product compost as cover to act as a filter during early stages of composting.
  - d. Specification of a readily-available supply of bulking agents, additives or odor control agents.
  - e. Procedures for avoiding delay in processing and managing landscape waste and yard debris during all weather conditions.
  - f. Methods for taking into consideration the following factors prior to turning or moving composted material:
    - (1) Time of day;
    - (2) Wind direction;
    - (3) Percent moisture;
    - (4) Estimated odor potential; and
    - (5) Degree of maturity.



- 6.3 Grass clippings** Grass clippings must be processed in a timely manner to avoid nuisance conditions.
- 6.4 Carbon source storage** Incoming leaves, brush or woody landscape waste may be stored in designated areas for use as a carbon source and bulking agent, rather than being processed into windrows or other piles.
- 6.5 Odor complaint panel** If odors at the facility become a significant source of nuisance complaints, processor shall work with a Metro appointed odor complaint panel. The odor complaint panel will investigate odor complaints to determine their validity and sources and will help the processor with solutions to the nuisance complaints. The odor complaint panel may consist of representatives from Metro, DEQ, the local government, the processing industry and citizen representatives.

## **7.0 RECORD KEEPING AND REPORTING**

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- 7.1 Purpose** This section of the license describes the record keeping and reporting requirements. The Licensee shall effectively monitor facility operation and maintain accurate records of the information described in this section.
- 7.2 Feedstocks received** Estimated amount of feedstock received and quantity of product produced at the facility. Records shall be reported to Metro no later than thirty (30) days following the end of each quarter. The report shall be signed and certified as accurate by an authorized representative of licensee.
- 7.3 Special occurrences** Records of any special occurrences encountered during operation and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures.
- 7.4 Nuisance complaints** Records of any public nuisance complaints (e.g. noise, dust, vibrations, litter) received by the operator, including:
- a. The nature of the complaint;
  - b. The date the complaint was received;
  - c. The name, address, and telephone number of the person or persons making the complaint; and



- d. Any actions taken by the operator in response to the complaint.

- 7.5 Record of complaints and responses** For every odor complaint received, the licensee shall record the date, time, and nature of any action taken in response to an odor complaint, and record such information within one business day after receiving the complaint. Records of such information shall be made available to Metro and local governments upon request.
- 7.6 Regulatory information submittals** The licensee shall submit to Metro duplicate copies of regulatory information submitted to the DEQ and local jurisdictions pertaining to the facility, within 30 days at the same time of submittal to DEQ and/or a local jurisdiction.

## **8.0 FEES AND RATE SETTING**

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- 8.1 Purpose** This section of the license specifies fees payable by the licensee, and describes rate regulation by Metro.
- 8.2 Annual fee** The licensee shall pay a \$300 annual license fee, as established in Metro Code Chapter 5.01. Metro reserves the right to change the license fee at any time by action of the Metro Council.
- 8.3 Fines** Each violation of a license condition shall be punishable by fines as established in Metro Code Chapter 5.01. Each day a violation continues constitutes a separate violation. Metro reserves the right to change fines at any time by action of the Metro Council.
- 8.4 Rates not regulated** The tipping fees and other rates charged at the facility are exempt from rate regulation by Metro.
- 8.5 Metro fee imposed on disposal** The licensee is liable for payment of the Metro Regional System Fee on any solid wastes delivered to a disposal site, unless these solid wastes are exempted by Metro Code Chapter 5.01.

## **9.0 INSURANCE REQUIREMENTS**

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- 9.1 Purpose** The section describes the types of insurance that the licensee shall purchase and maintain at the licensee's expense, covering the



licensee, its employees, and agents.

- 9.2 General liability** The licensee shall carry broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy shall be endorsed with contractual liability coverage.
- 9.3 Automobile** The licensee shall carry automobile bodily injury and property damage liability insurance.
- 9.4 Coverage** Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.
- 9.5 Additional insureds** Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSURED.
- 9.6 Worker's Compensation Insurance** The licensee, its subcontractors, if any, and all employers working under this license, are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Licensee shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If licensee has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached in lieu of the certificate showing current Workers' Compensation.
- 9.7 Notification** The licensee shall give at least 30 days written notice to the Executive Officer of any lapse or proposed cancellation of insurance coverage.

## **10.0 ENFORCEMENT**

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- 10.1 Generally** Enforcement of this license shall be as specified in Metro Code.
- 10.2 Authority vested in Metro** The power and right to regulate, in the public interest, the exercise of the privileges granted by this license shall at all times be vested in Metro. Metro reserves the right to establish or amend rules, regulations or standards regarding matters within Metro's authority, and to enforce all such requirements against licensee.
- 10.3 Inspections** The Executive Officer may make such inspection or audit as the Executive Officer deems appropriate, and shall be permitted access to the premises of the facility at all reasonable times during business





hours with or without notice or at such other times with 24 hours notice to assure compliance with this license, Metro Code, and administrative procedures adopted pursuant to Metro Code Chapter 5.01.

**10.4 No Enforcement Limitations**

Nothing in this license shall be construed to limit, restrict, curtail, or abrogate any enforcement provision contained in Metro Code or administrative procedures adopted pursuant to Metro Code Chapter 5.01, nor shall this license be construed or interpreted so as to limit or preclude Metro from adopting ordinances that regulate the health, safety, or welfare of any person or persons within the District, notwithstanding any incidental impact that such ordinances may have upon the terms of this license or the licensee's operation of the facility.

**11.0 MODIFICATIONS**

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**11.1 Modification**

At any time during the term of the license, either the Executive Officer or the licensee may propose amendments or modifications to this license.

**11.2 Modification, suspension or revocation by Metro**

The Executive Officer may, at any time before the expiration date, modify, suspend, or revoke this license in whole or in part, in accordance with Metro Code Chapter 5.01, for reasons including but not limited to:

- a. Violation of the terms or conditions of this license, Metro Code, or any applicable statute, rule, or standard;
- b. Changes in local, regional, state, or federal laws or regulations that should be specifically incorporated into this license;
- c. Failure to disclose fully all relevant facts;
- d. A significant release into the environment from the facility;
- e. Significant change in the character of solid waste received or in the operation of the facility;
- f. Any change in ownership or control, excluding transfers among subsidiaries of the licensee or licensee's parent corporation;
- g. A request from the local government stemming from impacts resulting from facility operations.
- h. Compliance history of the licensee.

**12.0 GENERAL OBLIGATIONS**

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- 12.1 Compliance with the law** Licensee shall fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders and permits pertaining in any manner to this license, including all applicable Metro Code provisions and administrative procedures adopted pursuant to Chapter 5.01 whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the operation of the facility by federal, state, regional or local governments or agencies having jurisdiction over the facility shall be deemed part of this license as if specifically set forth herein. Such conditions and permits include those cited within or attached as exhibits to the license document, as well as any existing at the time of the issuance of the license but not cited or attached, and permits or conditions issued or modified during the term of the license.
- 12.2 Indemnification** The licensee shall indemnify and hold Metro, its employees, agents and elected officials harmless from any and all claims, damages, actions, losses and expenses including attorney's fees, or liability related to or arising out of or in any way connected with the licensee's performance or failure to perform under this license, including patent infringement and any claims or disputes involving subcontractors.
- 12.3 Deliver waste to appropriate destinations** The licensee shall ensure that solid waste transferred from the facility goes to the appropriate destinations under Metro Code chapters 5.01 and 5.05, and under applicable local, state and federal laws, rules, regulations, ordinances, orders and permits;
- 12.4 Provide access** The licensee shall allow the Executive Officer to have reasonable access to the premises for purposes of inspection and audit to determine compliance with this license, Metro Code, and the administrative procedures adopted pursuant to Metro Code Chapter 5.01.
- 12.5 Compliance by agents** The licensee shall be responsible for ensuring that its agents and contractors operate in compliance with this license.

## **EXECUTIVE SUMMARY**

### **ORDINANCE NUMBER 99-806**

## **GRANTING THE RELOCATED CITY OF PORTLAND LEAF COMPOSTING FACILITY A NEW METRO LICENSE AND RESCINDING THE PREVIOUS LICENSE**

### **PROPOSED ACTION**

- Grants a new composting facility license to the City of Portland Leaf Composting Facility to operate its relocated municipal leaf composting facility located at 9325 NE Sunderland Avenue in Portland, Oregon.
- The Ordinance also rescinds Metro License No. YD-0297, granted to the City of Portland for the previous facility site located at 9646 NE 33<sup>rd</sup> Avenue in Portland.

### **WHY NECESSARY**

- Metro Code Section 5.01.045(b)(2) requires an owner or operator of a yard debris processing facility to be licensed by Metro.
- The purpose of the Metro licensing program is to help ensure that composting facilities are designed and operated in a manner that minimizes nuisance impacts on surrounding communities and businesses.
- The facility will continue to assist the region in accomplishing the goals and objectives of the Regional Solid Waste Management Plan.

### **DESCRIPTION**

- The City of Portland owns and maintains a municipal leaf composting facility (The City of Portland Leaf Composting Facility). The facility accepts loads of leaves collected from the streets of Portland by City of Portland maintenance crews. Yard debris is not accepted from the general public.
- The City of Portland Leaf Composting Facility was previously located at 9646 NE 33<sup>rd</sup> Avenue, in Portland, and was granted a Metro yard debris processing facility license (number YD-0297) with an effective date of January 6, 1998.
- The City of Portland Leaf Composting Facility has relocated its Metro licensed leaf composting facility to a new site located at 9325 NE Sunderland Avenue in Portland.
- The City of Portland owns the new facility site. The City's Planning Bureau has completed actions for the relocated leaf composting operation.
- The relocated City of Portland Leaf Composting Facility meets the requirements of the Metro Code related to licensing of composting facilities.

### **ISSUES/CONCERNS**

- Staff has not discovered any outstanding issues or concerns with this facility. The City of Portland Leaf Composting Facility is in good standing with Metro, and has consistently operated in accordance with its Metro license agreement.

### **BUDGET/FINANCIAL IMPACTS**

- There will be a slight increase in revenues from the annual license fee of \$300 per year, paid by the licensee.

## STAFF REPORT

### IN CONSIDERATION OF ORDINANCE NO. 99-806 FOR THE PURPOSE OF GRANTING A COMPOSTING FACILITY LICENSE TO THE RELOCATED CITY OF PORTLAND LEAF COMPOSTING FACILITY

Date: May 4, 1999

Presented by: Terry Petersen,  
Bill Metzler

#### INTRODUCTION

The purpose of this report is to provide the information necessary for the Metro Council to act on the recommendation that the City of Portland Leaf Composting Facility be awarded a license to operate its relocated composting facility at 9325 NE Sunderland Avenue, in Portland, Oregon. The license agreement is attached to Ordinance No. 99-806 as Exhibit A.

The purpose of the licensing program is to help ensure that composting facilities are designed and operated in a manner that minimizes nuisance impacts on surrounding communities and businesses.

#### Key Findings and Recommendations Include:

- The City of Portland owns and maintains a municipal leaf composting facility (The City of Portland Leaf Composting Facility). The facility accepts loads of leaves collected from the streets of Portland by City of Portland maintenance crews, which provides some controls over what materials are brought to the facility. Yard debris is not accepted from the general public.
- The City of Portland Leaf Composting Facility was previously located at 9646 NE 33<sup>rd</sup> Avenue, in Portland Oregon, and was granted a Metro yard debris processing facility license (number YD-0297) with an effective date of January 6, 1998.
- The City of Portland Leaf Composting Facility has relocated its Metro-licensed leaf composting facility to a new site located at 9325 NE Sunderland Avenue in Portland, Oregon.
- The City of Portland owns the new facility site. The City of Portland Planning Bureau actions have been completed for the relocated leaf composting operation.
- The Executive Officer has reviewed all required submittals, and has determined that the relocated City of Portland Leaf Composting Facility meets the requirements of the Metro Code related to licensing composting facilities.
- The terms of the license will help protect public health and safety pursuant to Metro Code Chapter 5.01 and will maintain consistency with the Regional Solid Waste Management Plan. The Metro licensing program includes problem resolution through intergovernmental cooperation, technical assistance and enforcement measures.

## **I. FACILITY AND APPLICANT INFORMATION**

### Location:

- Facility address: 9325 N. E. Sunderland Ave. Portland, Oregon 97211
- The facility lies in section 12. Township 1N, Range 1E, Portland, Oregon, Multnomah County.

### Zoning and permitting:

- The site is zoned IG2hx - General Industrial 2. Land use approvals are in place.
- The facility has met all the storm water management standards of the City of Portland.

### General Facility Description:

- The City of Portland owns these 20.76 acres of land. The site area used for leaf debris composting operations is limited to 5 acres.
- The facility accepts loads of leaves collected from the streets of Portland by City of Portland maintenance crews, which provide controls for what materials are brought to the facility.
- Yard debris is not accepted from the general public.
- The facility accepts for processing approximately 20,000 cubic yards of leaf debris per year.
- Stormwater Management, a contractor to the City of Portland, operates the facility. The operator uses a turned windrow composting method. Leaves are placed in windrows on an asphalt surface with dimensions of 100' - 450' long x 16' wide x 9' high. Temperatures and moisture are monitored to insure optimum conditions for volume reduction. Windrows are turned with a Scat Compost Turner every ten days to provide oxygen to the material. Turning mixes the materials, rebuilds the porosity of the windrow, and releases trapped heat, water vapor and gases. The finished compost is screened through a 5/8" trommel screen and marketed to the general public and a private company (Stormwater Management, Inc.) that uses the compost as a storm water filter media.

### Completeness and Sufficiency of Application

Applicants for compost facility licenses are required to complete an application pursuant to Metro Code Section 5.01.060. The license application form and other material required to process the license were submitted and the Executive Officer has determined them to be complete and responsive to the Metro Code.

### Applicant Qualifications

The City of Portland started their leaf composting operation in 1990 to beneficially reuse the leaves collected in the fall season by their street maintenance crews. The new facility is located across the street from their old operation. Their facility management practices will not change. In the past seven years of operation, their facility has not had any dust or odor complaints. This new facility will compost leaves only, which greatly minimizes any potential for odor generation. Their finished compost has been designated Earth-Wise Compost through Metro's compost quality standards program. Based on this historical experience with the licensee, the Executive Officer finds the applicant qualified.

## **II. CONCLUSIONS**

Staff have reviewed all required submittals from the City of Portland Leaf Composting Facility, and have determined that they meet all requirements of the Metro Code related to licensing composting facilities.

Based on the preceding analysis and pursuant to Metro Code Section 5.01.067(c), the Executive Officer recommends that the City of Portland Leaf Composting Facility be granted a composting facility license subject to the provisions and conditions of the License attached to Ordinance No. 99-806 as Exhibit A.

The license agreement ensures that the facility will operate in accordance with the purpose of Metro's licensing program to protect public health and safety and maintain consistency with the Regional Solid Waste Management Plan. The Metro licensing program includes problem resolution through intergovernmental cooperation, technical assistance and enforcement measures.

## **III. BUDGET IMPACTS**

There will be a slight increase in revenues from the annual license fee paid by the licensee of \$300 per year. Current staffing levels are expected to be adequate to handle any technical assistance or enforcement requirements that might arise from licensing this facility.

## **IV. EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends adoption of Ordinance No. 99-806.

BM Ajb

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*Agenda Item Number 8.3*

**Ordinance No. 99-809, For the Purpose of Amending Ordinance No. 98-788C Which Amends the Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance No. 95-625A in Urban Reserve Area 55 of Washington County.**

***Second Reading***

**Metro Council Meeting  
Thursday, June 17, 1999  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING ) ORDINANCE NO 99-809  
ORDINANCE NO. 98-788C WHICH )  
AMENDS THE METRO URBAN ) Introduced by Growth Management  
GROWTH BOUNDARY AND THE 2040 ) Committee  
GROWTH CONCEPT MAP IN )  
ORDINANCE 95-625A IN URBAN )  
RESERVE AREA 55 OF WASHINGTON )  
COUNTY

WHEREAS, the Metro Council designated urban reserve areas in Ordinance No. 96-655E, including the portion of urban reserve area 55 inside Metro jurisdiction; and

WHEREAS, urban reserve study areas were shown on the 2040 Growth Concept map adopted as part of the Regional Urban Growth Goals and Objectives in Ordinance No. 95-625A and the map was amended by Ordinance No. 96-655E to show urban reserve areas; and

WHEREAS, Ordinance No. 96-655E is not acknowledged because it has been appealed to the Oregon Court of Appeals; and

WHEREAS, ORS 197.298(1)(a) requires that land designated as urban reserve land by Metro shall be the first priority land for inclusion in the Metro Urban Growth Boundary; and

WHEREAS, the Metro Council initiated a series of legislative amendments to the Urban Growth Boundary in 1998 as required by ORS 197.299(2)(a), including this ordinance for lands inside the Metro jurisdictional boundary; and

WHEREAS, notice of hearings was published and mailed in compliance with Metro Code 3.01.050(b), (c) and (d); and

WHEREAS, a series of hearings was held before the Council Growth Management Committee on October 6, 13, 20 and 27, and before the full Metro Council on November 10, 12,



16, 17, 19 and December 3, 1998 prior to adoption of Ordinance No. 98-788C on December 17, 1998; and

WHEREAS, notice of Proposed Amendment for urban reserve area 55, consistent with Metro Code and ORS 197.610(1), was received by the Oregon Department of Land Conservation and Development at least 45 days prior to the December 3, 1998 final hearing; and

WHEREAS, the staff report for these areas was available at least seven days prior to the December 3, 1998 final hearing; and

WHEREAS, Metro Code 3.01.012(c)(3) requires designation of regional design types consistent with the 2040 Growth Concept for the land added to the UGB; and

WHEREAS, Notice of Adoption of Ordinance No. 98-788C was filed on December 18, 1998, prior to four Notices of Appeal being filed with the Land Use Board of Appeal (LUBA); and

WHEREAS, the Metro Council authorized a notice of withdrawal of Ordinance No. 98-788C for reconsideration under LUBA's rules in Resolution No. 99-2769 on March 18, 1999; and

WHEREAS, the Metro Council Growth Management Committee held a public hearing on reconsideration of Ordinance No. 98-788C on May 26, 1999, and the Metro Council left the record open for written testimony until June 10, 1999; and

WHEREAS, the Metro Council considered all the evidence in the record, including public testimony in October, November, and December, 1998 hearings on Ordinance No. 98-788C and the hearing and written testimony on this ordinance to decide proposed amendments to the Urban Growth Boundary; and

WHEREAS, conditions of approval are necessary to assure that these urban reserve areas added to the Urban Growth Boundary are used to meet the need for housing consistent with ORS 197.299(2)(a) and the acknowledged 2040 Growth Concept; now therefore,

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. Regional design types consistent with the Metro 2040 Growth Concept for the land added to the Metro Urban Growth Boundary by this ordinance as shown on attached Exhibit A are hereby adopted.
2. The Metro Urban Growth Boundary is hereby amended to add the lands shown on the map in Exhibit B, attached, and incorporated by reference herein (hereinafter, the "Lands").
3. The 2040 Growth Concept map adopted as part of Ordinance No. 95-625A is hereby amended to show the Lands in Exhibit B as within the UGB, instead of urban reserves.
4. This amendment of the Metro Urban Growth Boundary is based on Findings of Fact and Conclusions in Exhibit C, attached hereto and incorporated by reference herein. The Findings of Fact and Conclusions refer in a number of instances to the designation of lands as urban reserves and the fact that urban reserves are required to be considered first for additions to the Metro Urban Growth Boundary. All references in the Findings of Fact and Conclusions to urban reserves shall be construed only as describing the geographic areas designated in Ordinance No. 96-655E, and not as relying on the legal status of those areas as urban reserves. Notwithstanding any other provision of this Ordinance or the Findings of Fact or Conclusions supporting this Ordinance, the Council relies on the legal status of the Lands as urban reserves in adopting this Ordinance only as an alternative, and no provision of this Ordinance shall be construed as a final decision by the Council regarding the urban reserve status of the Lands or of other lands within Metro's jurisdictional boundary or of any other lands. The Findings of Fact

and Conclusions also contain some reference to portions of urban reserve areas that are outside Metro's district boundary. Findings of Fact and Conclusions referring to lands outside Metro's district boundary in URA 55 and planned facilities on those lands are not adopted by the Council to the extent that they relate to the suitability of such lands for future urbanization.

5. In support of Findings and Conclusions adopted in Section 2 of this Ordinance, the Council hereby designates as the record herein those documents submitted and before the Council for consideration on these lands during the periods between the October 6, 1998 Growth Management hearing, and the December 3, 1998 final hearing and final adoption of Ordinance No. 98-788C, the period between the March 18, 1999 hearing of the Growth Management Committee on Resolution No. 99-2769 and the Metro Council closing of the record for this Ordinance on June 10, 1999.

6. The amendment of the Metro Urban Growth Boundary is subject to the following conditions of approval:

A. The land added to the Urban Growth Boundary by this ordinance shall be planned and zoned for housing uses to the extent and in a manner consistent with the acknowledged 2040 Growth Concept text and the regional design types for the Lands shown on Exhibit A.

B. Prior to conversion of the new urbanizable Land to urban land available for development, the City of Hillsboro shall amend its comprehensive plan to incorporate an urban reserve plan for only the Lands as required by Metro Code and Title 11 of the Urban Growth Management Functional Plan. The urban reserve plan shall demonstrate that the Lands will be developed consistent with Metro Code section 3.01.012. The urban reserve plan

provisions to be added to the city's comprehensive plan shall include, but are not limited to, the following:

(1) The portions of the Lands west of River Road shall be designated for parks, greenspaces, Title 3 and recreation corridor uses substantially as shown on Exhibit D.

(2) The portion of the Lands shown as "low-medium density" residential areas on Exhibit D shall be assigned low-medium density zoning of at least 7 dwelling units per net developable acre;

(3) Development in the Gordon Creek neighborhood/main street around the SE Davis - Brookward intersection shown on Exhibit D shall be assigned the following zoning:

a The portion of the Lands shown as "Medium-high" density shall be assigned zoning averaging of at least 22 dwelling units per net developable acre;

b. The portion of the Lands shown as "mixed use-high density" shall be assigned zoning of at least 29 dwelling units per net developable acre.

(4) Affordable housing shall be enhanced by zoning at least 35 acres of apartments, senior housing, or other multi-family housing among the higher density residential zoning in the Gordon Creek neighborhood/main street area averaging at least 25 dwelling units per net developable acre.

C. Adoption of an urban comprehensive plan designation and urban zoning for this area shall include means to assure that speed, temperature, sedimentation and chemical composition of the stormwater runoff meet State and Federal water quality standards.

D. Urban zoning shall address on-site stormwater detention requirements.

The City shall consider a requirement that the amount of stormwater runoff after completion of development shall not be greater than the stormwater runoff before development.

E. Adoption of an urban comprehensive plan designation and urban zoning for the subject area shall be approved only after the city has complied with all Title III Functional Plan requirements, and has addressed Federal requirements adopted pursuant to the Endangered Species Act.

F. Prior to the conversion of the urbanizable land created by this ordinance to urban land available for development, the City's comprehensive plan shall be amended to include the following provisions:

(1) The functional classification of the Tualatin Valley Highway shall remain "principal arterial" consistent with the Regional Motor Vehicles System Map (1997) of the Regional Framework Plan.

(2) The transportation element of the comprehensive plan shall be amended to require the Access Management Strategies in the August 25, 1998 Draft Hillsboro TSP, or substantially equivalent policies.

(3) The transportation element of the comprehensive plan shall be amended to adopt the alternative Level of Service provision authorized by Title 6 of Metro's Urban Growth Management Functional Plan at Metro Code 3.07.640 for the road system planned for this land added to the urban growth boundary by this ordinance.

(4) The transportation element of the comprehensive plan shall be amended to require the number of local street connections per mile required by Title 6 of Metro's

Urban Growth Management Functional Plan at Metro Code 3.07.630 for the road system planned for the land added to the urban growth boundary by this ordinance.

(5) The transportation element of the comprehensive plan shall require the City to coordinate transit service with Tri-Met to phase in increased transit service as this area is developed.

(6) Amendments to the public facilities plan in the Transportation System Plan shall be made with rough cost estimates for each of the following on-site transportation facilities needed for this area to address existing and future needed road improvements as identified in the transportation report of the urban reserve plan:

- Davis Road from River Road to Gordon Creek neighborhood/mainstreet center: new two lane community street.
- Davis Road through the Gordon Creek neighborhood/mainstreet center: new three lane community boulevard.
- Davis Road through the Gordon Creek neighborhood/mainstreet center to Century Blvd.: new two lane community street.
- Brookwood Ave. from TV Highway to Gordon Creek neighborhood/mainstreet center: new two lane community street.
- Brookwood to Gordon Creek neighborhood/mainstreet center: new three lane community boulevard.
- Century Blvd. from TV Highway to Davis Road: new two lane community street.
- Alexander St. from Brookwood Ave. to 229th: new two lane collector.

- River Road from Witch Hazel to Gordon Creek: new three lane arterial.

(7) Amendments to the Public Facilities Plan shall be made with rough cost estimates for each of the following off-site transportation facilities needed for this area to address existing and future needed road improvements identified in the approved urban reserve plan:

- River Road from Gordon Creek to Rosedale Road: reconstruct to two lanes.

- River Road at Witch Hazel: left turn lane, signalization.

- Brookwood/Witch Hazel at TV Highway: realignment, added lanes, new traffic and RR signalization.

- Brookwood from TV Highway to Baseline: reconstruct to 3 lanes, and rebuild curves at Ash St. and Golden Road.

- Brookwood Ave. from Baseline to Cornell: construct to three lanes.

- Century Blvd. from Baseline to Century High School: new three lane roadway extension.

- Century Blvd. from Baseline to Cornell Road: reconstruct to three lanes.

- 229th from 2,000 feet north of Butternut Creek to Rosedale Road: reconstruct two lanes.

- Brookwood at Cedar Street: channelization and signalization.

- Brookwood at Bently: channelization and signalization.

- Brookwood at Golden: channelization and signalization.

(8) The transportation element of the comprehensive plan shall be amended to require completion of a corridor study of the Tualatin Valley Highway prior to urban development approvals for land added to the urban growth boundary by this ordinance to provide additional means of maintaining the through traffic capacity while providing acceptable access to and across this highway.

(9) A school site plan consistent with ORS 195.110 that addresses the future needed school sites identified in the urban reserve plan.

(10) Funding strategies and planning requirements shall be adopted for the acquisition and protection of adequate land to meet or exceed locally adopted level of service standards for provision of public parks, natural areas, trails, and recreational facilities. Lands which are undeveloped due to natural hazards or environmental protection purposes (i.e., steep slopes, floodways, riparian corridors, wetlands, etc.) shall only be considered to meet the natural area level of service standards if the land will be preserved in perpetuity for public benefit.

G. The City of Hillsboro and Washington County shall coordinate transportation facilities to provide appropriate farm vehicle access to farm land outside, but adjacent to, the new urban growth boundary established by this ordinance.

7. Consistent with ORS 268.390(3) and ORS 195.025(1), Washington County and the City of Hillsboro shall include the area added to the Urban Growth Boundary by this



Ordinance as shown on the map in Exhibit B in applicable text and map provisions of their comprehensive plans.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 1999.

\_\_\_\_\_  
Rod Monroe, Presiding Officer

ATTEST:

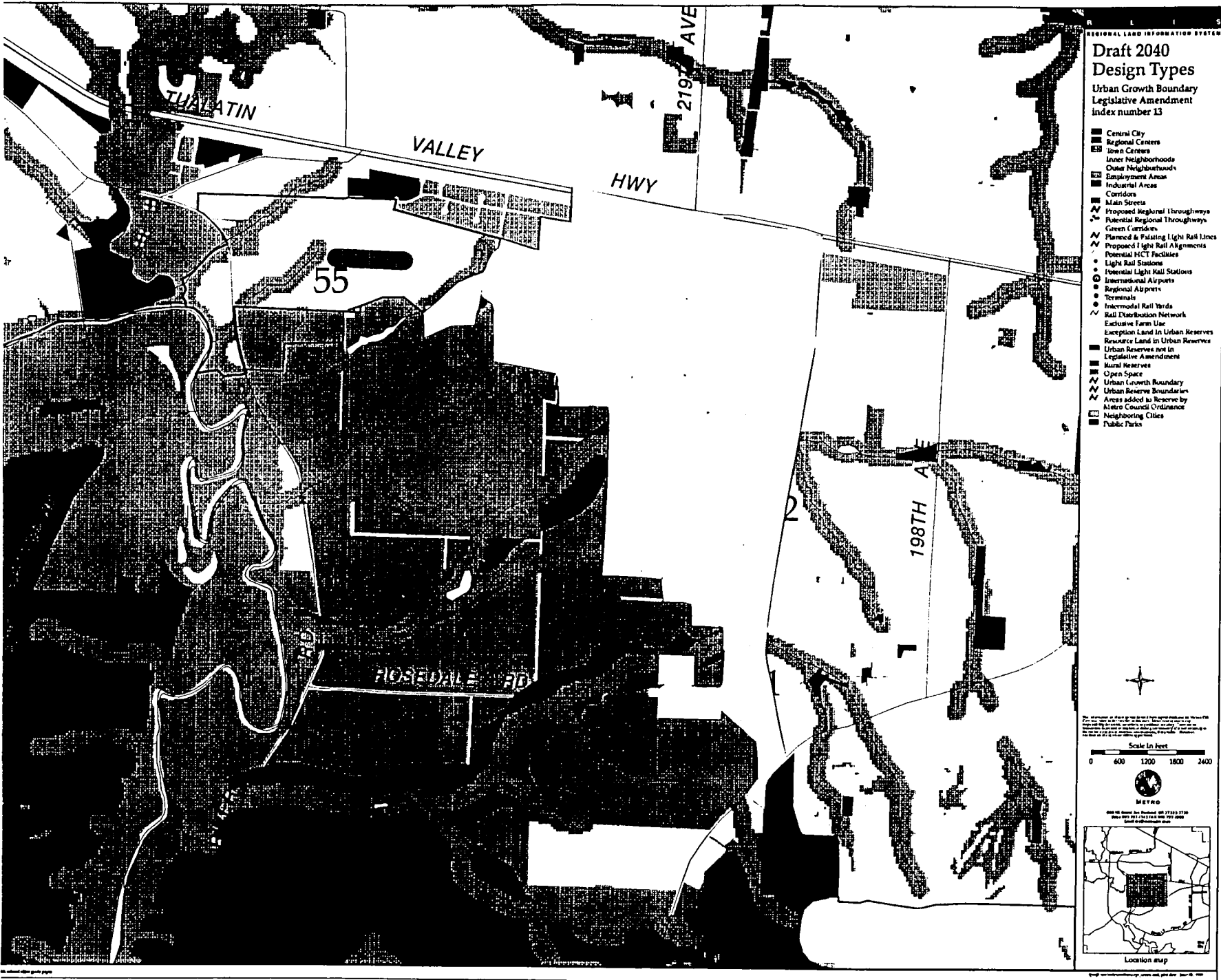
Approved as to Form:

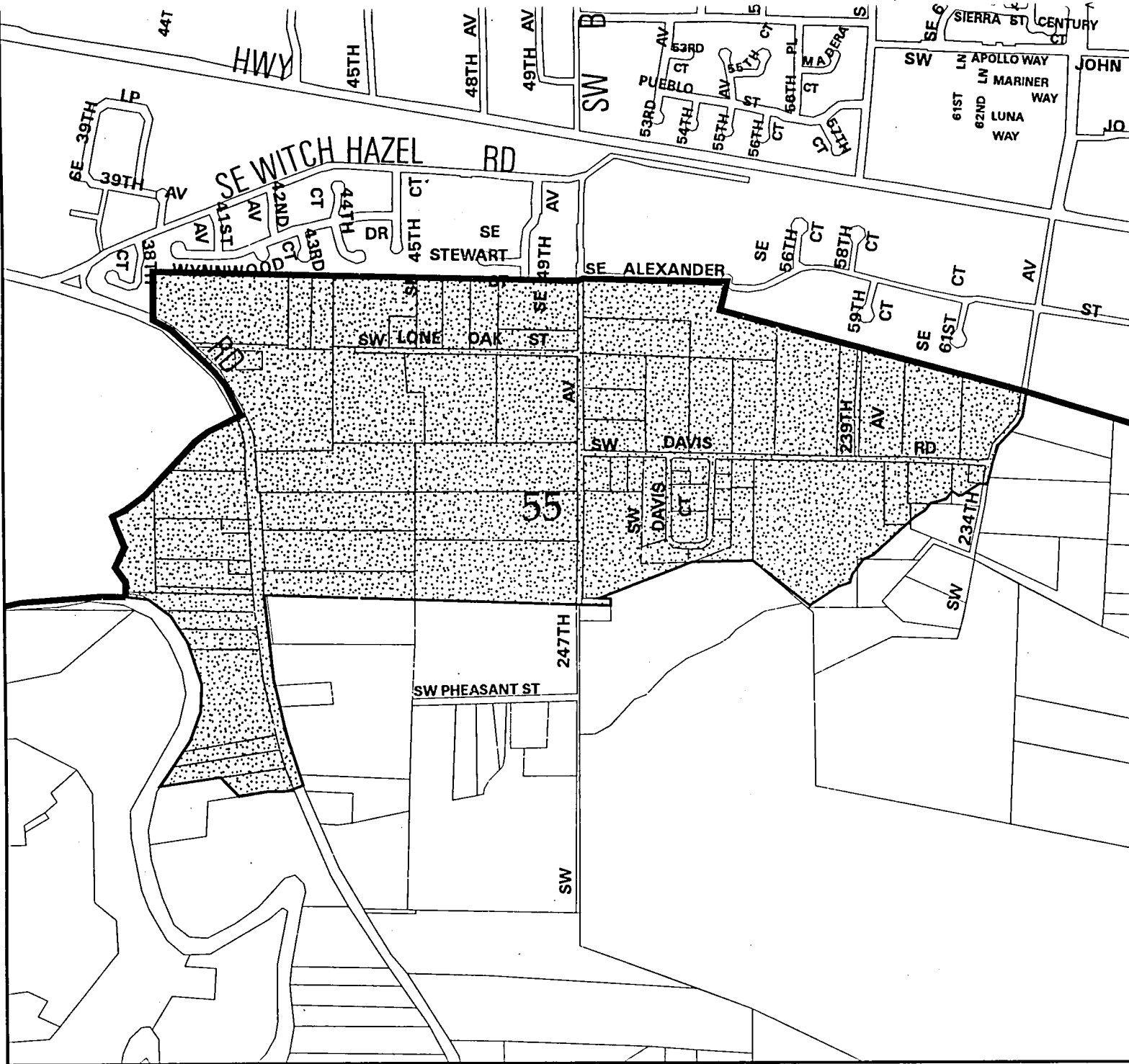
\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

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6/2/99

Exhibit A  
Ordinance  
99-809





**Ordinance #98-788C**  
**Urban Reserve #55**  
**(Partial)**

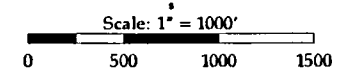
First Tier  
Within Metro Boundary

- Area Considered by Council
- First Tier Urban Reserve

Urban Growth Boundary (1998)

*Exhibit B*  
*Ordinance 99-809*

The information on the map was derived from digital databases on Metro's GIS. Care was taken in the creation of the map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.



**METRO**

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ADOPTED FINDINGS AND CONCLUSIONS  
ORDINANCE 99-809 (URA 55)

3.01.015(e)

Based on the 1998 analysis for Metro Code 3.01.0120(b)(1)(A), there is insufficient land available in the current UGB for about 32,400 housing units. Urban reserve areas with a proposed urban reserve plan under Council consideration in 1998 would provide less than 10,000 units. Even if all these proposed urban reserve plans are approved in 1998, there is insufficient land available with a proposed urban reserve plan to meet the statutory requirement for 1998 that land for one-half the need be added to the UGB.

These findings address only those lands included in this Ordinance. These are lands in URA 55 that are not designated for EFU.<sup>1</sup> The City of Hillsboro has opted to include this area in part of its Hillsboro South Hillsboro Urban Reserve Concept Plan. However, only that part of that Plan that applies to the land included in this ordinance is applicable here. The applicable concept plan provisions for URA 55 must be capable of being implemented separate from any concept plan for the remainder of the South Hillsboro Plan. Therefore, the portion of the concept plan for URA 55 must satisfy Metro Code section 3.01.012(e). Those criteria will be addressed at the end of these findings.

3.01.020(a)

Metro Code section 3.01.020 contains the complete requirements for amending the regional UGB. The code provisions have been acknowledged to comply with Statewide Planning Goals 2 and 14. They satisfy Metro's Regional Growth Goals and Objectives (RUGGO), as well. Since the Metro Code has been acknowledged by the Land Conservation and Development Commission, compliance with this code section satisfies Goals 2 and 14. Alternatively, application of this section constitutes compliance with ORS 197.298 which sets land priorities for lands amended into the UGB because the lands being added to the UGB are designated urban reserve areas. Amendment of the UGB must also comply with other state statutes and administrative rule, if applicable.

3.01.020(b)(1) and (2) General Need Factors

This acknowledged code section corresponds to Factors 1 and 2 of Goal 14. The need for urban growth boundary amendments may be demonstrated, generally, using either Factor 1 or Factor 2 or both. This acknowledged code section predates ORS 197.298(3). Therefore, need may, also, be met by complying with this statute on specific land need.

3.01.020(b)(1)(A) Factor 1

The Metro Code requires that the demonstration of need shall include a forecast of regional population and employment. The forecast must also include a forecast of net developable land need. Concurrent with these forecasts, completion of an inventory of net developable land is required.

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<sup>1</sup> References to URA 55 in these findings refer only to the lands included in Exhibit B of this ordinance.

The regional population and employment forecast, net developable land need and inventory of developable land are contained in Metro's Urban Growth Report (UGR). The first draft of the UGR was presented to the Metro Council in March, 1996. After public hearings, the Council directed the Metro Executive Officer and Staff to conduct further research on urban growth demand. The results of this research were presented to the Council in the second draft of the UGR in June, 1996. On December 18, 1997, the Metro Council adopted the final UGR in Resolution No. 97-2559B to comply with ORS 197.299(1). That final report estimated a UGB capacity deficit from 29,350 to 32,370 dwelling units and 2,900 jobs.

The UGR has two components. It contains the 2017 Regional Forecast which projects households and population, in demand for dwelling units, and demand for employment to the year 2017. This forecast represents an update of the 2015 Regional Forecast which made projections for three separate 25-year growth scenarios - Medium Growth, High Growth and Low Growth. The UGR predicted that the Medium Growth scenario has the highest likelihood of being realized over the 20 year forecast horizon. This forecast will be extended to 2019 or 2020 when UGB amendments are completed by December, 1999 as required by ORS 197.299(2)(b).

The UGR also contains a Buildable Land and Capacity Analysis for the Metro UGB. The analysis estimates the supply of land inside the current UGB sufficient to meet future development for industrial, retail and commercial uses and lands "available and necessary for residential uses" under state law. ORS 197.295(1). The conclusion of the developable lands capacity analysis was that the region does not have a 20-year supply of land inside the current UGB.

Two recent reports update data in the UGR: the Urban Growth Report Addendum (UGRA), and the Urban Growth Boundary Assessment of Need (UGBAN). The UGRA was completed August 26, 1998. The UGRA uses the same methodology as the UGR and updates UGR data in three areas. First, the data on vacant lands were updated from 1994 information to include 1997 data. Second, the analysis of actual residential redevelopment and infill rates were measured for 1995 and 1996 to refine the estimates used in the UGR. Third, the inventory of unbuildable land inside the UGB was revised to better identify land constrained by environmental features.

The UGRA also provides data on two scenarios for assessing the amount of developable land inside the UGB that will be constrained by Title 3 of Metro's Urban Growth Management Functional Plan. These estimates reflect 1998 adoption of the map of Title 3 regulated land. The first scenario calculates total developable land assuming a regionwide 200-foot buffer from the centerline of streams and for steep slopes greater than 25 percent. This assumption is a conservative estimate of additional required buffer widths that could be required as a result of two contingencies, the Endangered Species Act (ESA) listing of lower Columbia River Steelhead and Metro's Fish and Wildlife Habitat planning. Both are in early stages of development. The second scenario calculates total developable land assuming only the buffer widths as required by Sections 1-4 of Title 3 on the 1998 map which provide performance standards for regional water quality and flood control.

Metro Staff have a completed a draft work plan for Title 3, Section 5 Fish and Wildlife Habitat protection which will be coordinated with existing Statewide Planning Goal 5 planning in the region. The work plan describes the research necessary to determine the scientific basis for buffers beyond those adopted for statewide Goal 6 and 7 purposes in riparian corridors, wetlands. These and other Goal 5 resources may require additional regulation that may be included in a regional functional plan. The work plan also sets a schedule for determining a methodology by which buffers can be applied to identified Goal 5 and regional resources. It is anticipated that this analysis will be available in 1999, and that the Council can determine at that time whether regionwide buffers up to 200 will be necessary to protect identified Goal 5 and ESA listed resources. That information will be included in the refined UGB capacity analysis prior to or concurrent with UGB amendments required to expand the UGB to bring in the remaining one half of needed land in 1999 as required by ORS 197.299(2)(b).

In March, 1998, National Marine Fisheries Service (NMFS) listed lower Columbia River Steelhead as a threatened species under the ESA. The listing affects a major portion of the Metro region because the listing includes the Willamette River up to the Oregon City falls. NMFS is also reviewing a petition to list salmonid species in the upper Willamette River above the falls and a decision is expected in 1999. To conserve listed steelhead may require buffers along regional streams which are in excess of the vegetated corridors required by the water quality and flood management provisions of Title 3 of the Functional Plan. NMFS has not yet promulgated rules which they are authorized to adopt under section 4(d) of the ESA, which contain restrictions to conserve threatened steelhead. However, the 4(d) rule is anticipated to be in place by early 1999. At that time, the Metro Council will have more specific information upon which to refine its Buildable Land and Capacity Analysis.

The UGBAN was completed in October, 1998. This report summarizes all of Metro's efforts to assess the supply of developable land inside the UGB, and Metro's efforts to maximize the capacity of the current UGB. This updating of information in the UGRA and analysis in the UGBAN demonstrates that Metro has taken measures to increase the capacity of the UGB to accommodate unmet forecasted need for housing in the region. The Council finds these analyses sufficient evidence upon which to amend the UGB to satisfy the requirements of ORS 197.299(2)(a). However, more study is needed in 1999 to estimate the impact of the Functional Plan and to account for stream buffer requirements resulting from Metro's Fish and Wildlife Habitat planning and National Marine Fisheries Service restrictions for Lower Willamette River Steelhead. The Council will revisit the UGB capacity assumptions with refined data prior to or concurrent with amending the UGB in 1999 to accommodate the remaining land needed as mandated by ORS 197.299(2)(b).

### 3.01.020(b)(1)(B)

The Metro Code requires a regional forecast and inventory “along with all other appropriate data” to be completed to determine whether the projected need for land to accommodate the forecast of population and employment is greater than the supply of buildable land inside the UGB.

The UGR compares the 2017 Regional Forecast with the Buildable Land and Capacity Analysis for the Metro UGB. The UGR found that the current supply of buildable land inside the UGB can accommodate about 217,430 dwelling units and about 473,100 jobs. However, the regional forecast estimates that by 2017, the housing need will be for approximately 249,800 dwelling units and the employment need will be about 476,000 jobs. This leaves a deficit of developable land inside the current UGB needed to accommodate about 32,370 dwelling units and 2,900 jobs. The UGR indicated that at an estimated average 2040 Growth Concept density of 10 dwelling units per net developable acre, between 4,100 and 4,800 gross acres need to be added to the regional UGB to accommodate the need to comply with ORS 197.299(2). The Metro Council held a public hearing, providing the opportunity for public comment on Resolution No. 97-2559B on December 18, 1997.

### 3.01.020(b)(1)(C)

Since the inventory of net developable land is less than the forecasted need, the Metro Code requires an analysis to determine whether there is a surplus of developable land in one or more land use categories that could be suitable to meet that need without expanding the UGB.

The UGBAN discusses Metro’s Functional Plan, which was an early implementation measure consistent with ORS 197.296. Under its statutory authority to adopt functional plans, Metro may require or recommend changes to the comprehensive plans and implementing ordinances of the 24 cities and three counties in Metro’s jurisdiction. In 1996, the Metro Council adopted the Functional Plan which set targets for housing density with the goal of not having to expand the UGB at the time of this five-year need update. However, these targets were set prior to the requirements in ORS 197.299 that Metro must assess the need for developable land and amend the regional UGB to accommodate at least one half of that need in 1998. Full compliance with the Functional Plan is not required until February, 1999. At that time, unless Metro approves an extension, local governments will adopt amendments to their comprehensive plans and implementing ordinances to accommodate housing densities on future development that are consistent with the 2040 Growth Concept design types. The Functional Plan requirements direct development of all residential lands at higher densities than existing comprehensive plans.

The UGBAN also considered the potential for conversion of industrial lands to residential uses to address the unmet need. Based on regional review of industrial lands and compliance plans submitted by jurisdictions which have a significant amount of industrial land, the UGBAN concludes that regionwide there is minimal opportunity to redirect

industrial land to accommodate housing because those areas are already jobs poor or converting employment to housing will have adverse impacts on the 2040 Growth Concept goal of creating complete communities where residents have close access to jobs and services.

### 3.01.020(b)(1)(D)

Consideration of a legislative amendment requires “review of an analysis of land outside the present UGB to determine areas best suited for expansion of the UGB to meet the identified need” (emphasis added). This analysis was done in stages. The first stage was to identify lands outside the UGB which cannot meet the need (see Appendix A). The second stage was designation of urban reserves. The third stage was a productivity analysis of urban reserves. Phase I of that analysis narrows the 18,600 acres of urban reserves designated to the year 2040 to 12,000 acres studied in Phase II. The analysis rated the productivity of 12,000 acres. Then, in Phase II, in the absence of 1998 quasi-judicial applications for UGB amendments, the Metro Council identified lands among the most productive Phase II lands which had begun conceptual plans for 1998 UGB amendment consideration. All of the lands considered for 1998 UGB amendment may be needed to comply with ORS 197.299 by December, 1999.

The Council reviewed exception lands outside the UGB which are not designated as urban reserves. That analysis is contained in Exhibit A of the staff reports and is entitled “Exception Lands Not Considered as Alternative Sites for Urban Growth Boundary Expansion.” This report and accompanying map are attached as Appendix A and are incorporated into these findings by this reference. The factors that weighed against inclusion in the UGB included lands zoned for EFU, lands that would eliminate the separation between communities, lands more than one mile from the existing UGB and noncontiguous areas. In addition, natural features and settlement patterns that effect the buildability of land were also considered. These features include steep slope, lands in the FEMA 100-year floodplain and small acreage single family residential areas.

The Council then considered the urban reserves designated in March, 1997. That process was the culmination of several years of analysis, public hearings and study of lands adjacent to the UGB which were deemed suitable for urbanization as measured by Goal 14, factors 3 through 7 and the exceptions criteria of Goal 2. State law sets priorities for amending the UGB which requires that urban reserves generally be considered for urbanization before other lands. ORS 197.298(1). All urban reserves were then reviewed in the Productivity Analysis to determine those urban reserves which were relatively more efficient to serve in the near term to comply with the deadline set by ORS 197.299(2)(a).

The Productivity Analysis was conducted in two phases. Phase 1 analysis examined all 18,571 acres of urban reserve land. The analysis generated an inventory of buildable land within the urban reserves to determine the range in the amount of land that might be needed to accommodate about 32,400 dwelling units and 2,900 jobs. Phase 2 selected a subset of the total urban reserves which would be most efficiently serviced and maximize the efficiency of the existing UGB. Those selection criteria included:



- Inclusion of urban reserves in first tier urban reserves. The Metro Code requires that first tier urban reserves be considered for UGB expansion prior to consideration of other urban reserves. The Productivity Analysis included first tier lands in part to satisfy this requirement.
- Proximity to UGB. While all urban reserves are adjacent to the UGB, the analysis did not select urban reserves that would require other more proximate urban reserves to be developed first before they could develop.
- Productivity Ratio. The Productivity Analysis focused on urban reserves which have a higher ratio of net buildable land to gross acres. Only urban reserves with at least 40 percent buildable land to gross acreage were selected for Phase 2.
- Serviceability Rating. Phase 1 considered the 1996 Utility Feasibility Analysis provided by KCM and the 1998 Urban Reserves Planning Status Report as a baseline for doing further serviceability research. If these reports indicated that the service was easy or moderate, then the urban reserve could be selected for Phase 2 analysis.
- Exceptions. Some urban reserves were selected for Phase 2 analysis even though serviceability was difficult if the urban reserve had a high productivity rating (70-80%) or there were existing urban reserve planning efforts under way.

The productivity analysis resulted in a comparative analysis of the public facilities efficiencies for about 12,000 acres.

The Council then reviewed the urban reserves identified in Phase 2 of the Productivity Analysis to determine whether sufficient information was available at this time to corroborate the service assumptions used for individual urban reserves. This analysis is found in Exhibit B of the staff reports and is attached as Appendix B and incorporated into these findings by this reference. This report identifies urban reserves where the cost estimates may not be reliable because there is little actual data available on service feasibility or funding sources for extension of existing services. The report also identifies urban reserves which, if urbanized, would exacerbate an existing subregional jobs/housing imbalance. The Council finds that the remaining urban reserves are those for which there is sufficient information at this time upon which to consider specific UGB amendments.

The identified need for about 32,000 dwelling units for a 20-year UGB must be fully accommodated by December, 1999. ORS 197.299(2)(a) requires half of that need to be accommodated within one year of the December, 1999 need analysis. This statutory requirement, to do half the needed UGB amendments by a date certain, affects the analysis of land outside the UGB to meet the identified need. The staff reports on the urban reserve areas identified for 1998 legislative UGB amendment consideration conclude that if all these lands were added to the UGB only about 28,700 dwelling units would be

accommodated. Therefore, all of these lands, and more are the “best suited” lands outside the UGB to meet the identified need.

### 3.01.020(b)(3)

Factor 3: Orderly and economic provision of public facilities and services.

(A) For the purposes of this section, economic provision shall mean the lowest public cost provision of urban services. When comparing alternative sites with regard to factor 3, the best site shall be that site which has the lowest net increase in the total cost for provision of all urban services. In addition, the comparison may show how the proposal minimizes the cost burden to other areas outside the subject area proposed to be brought into the boundary.

The Productivity Analysis assumed the following 2040 design types for URA #55: Inner Neighborhoods (96 percent) and Main Street (4 percent). According to the draft Urban Reserve Concept Plan for the exception areas in URA 55, dated November 16, 1998, Table 15 also confirms the use of both of these design types in the Plan. Although no percentages are given, the design type of “Main Street/Neighborhood Center” shows a proposed density of 48; the design type of “Inner Neighborhoods” shows a proposed density of 12. Based on this assumption, the average density of URA #55 is at least 10 dwelling units per net buildable residential acre.

The cost of providing services to URAs were compared by calculating dwelling unit equivalents. The total estimated cost for wastewater, water, stormwater and transportation is expressed in staff reports as cost per Dwelling Unit Equivalent (DUE). A DUE is an estimate of service demand taking into consideration employment based needs as well. A DUE is the Estimated Dwelling Units (EDUs) per URA plus the estimated employment per URA. The total estimated cost for wastewater, water, stormwater and transportation for URA 55 is \$11,398 per DUE - the 6th lowest cost. The Council finds that this low per unit cost estimate makes URA 55 among the better URAs for efficiency of providing services.

(B) For the purposes of this section, orderly shall mean the extension of services from existing serviced areas to those areas which are immediately adjacent and which are consistent with the manner of service provision. For the provision of gravity sanitary sewers, this could mean a higher rating for an area within an already served drainage basin. For the provision of transit, this would mean a higher rating for an area which could be served by the extension of an existing route, rather than an area which would require an entirely new route.

### Wastewater

The majority of residences in URA 55 are currently served by septic systems. This URA is adjacent to the City of Hillsboro and unincorporated Washington County. According to the City of Hillsboro urban reserve plan, United Sewerage Agency (USA) will provide wastewater treatment. USA’s Rock Creek Treatment Plant is immediately northwest of the

URA 55 and can serve the area if new collection facilities are provided. According to the city of Hillsboro, USA has room on their site to expand capacity.

Provision of sanitary sewer to existing residential uses within this area will greatly reduce the potential of any current or future effluent leakage from septic systems and drain fields that would pollute ground water or degrade water quality in Gordon Creek and Witch Hazel Creek. Extension of sanitary sewer within URA 55 may allow economies of scale to be realized if these facilities are constructed at the same time and may reduce the overall public costs. The Council finds that providing wastewater service to this area is feasible and such provision will not compromise the existing service inside the UGB.

### Water

The City of Hillsboro has stated that the City and the Joint Water Commission (JWC), which includes Hillsboro, Forest Grove and Beaverton, will provide water service to the URA. A 42-inch high-pressure transmission line exists north of the URA along the TV Highway, which according to the staff report has the capacity to serve this URA. Also, the recent enlargement of Barney Reservoir from 4000-acre feet of storage to 20,000 provided the JWC with a significant increase in water availability. The Council finds that provision of water service to URA 55 is feasible without compromising the existing service inside the UGB.

### Stormwater

The 1998 staff report states that there is no formal, piped stormwater collection system existing in this area. The Council does not read this provision to require existing stormwater facilities. The staff report shows that URA 55 presents significant opportunities to plan for detention and water quality facilities. Such facilities can be incorporated into the existing system of swales, stream corridors and previously converted wetlands. These detention facilities will slow and delay water runoff and prevent downstream flooding. Incorporation of water quality features will filter increased pollutant loads from urban runoff and collect sediments before this runoff reaches streams and creeks.

The City of Hillsboro is addressing this issue in their urban reserve plan. Providing stormwater service to this area will not compromise the ability of the city to serve the areas within the existing UGB because most of the treatment and detention will occur in the immediate area. The specific water quality and detention systems for the basin shall be determined in the comprehensive plan and zoning consistent with the conditions in this ordinance. Compliance with these conditions will require basin studies will be necessary to determine pre- and post-development run-off rates and release projections to eliminate downstream flooding and prevent degradation of Witch Hazel Creek, Gordon Creek and the Tualatin River.

## Transportation

According to the staff report, the TV Highway is north of URA 55 and provides access for this area to points east and west. The highway is designated as an arterial in the current Hillsboro Transportation System Plan (TSP) and as a regional arterial in the Washington County Plan. These are consistent with the Regional Transportation Plan (RTP) functional classification as "principal arterial." The section of the highway in the vicinity of the URA is five lanes with paved shoulders (bike lanes) and has intermittent sidewalks. It is a designated trunk transit route. The staff report explains that the Draft Hillsboro TSP (dated August 25, 1998) Access Management Strategies will need to be employed to ensure sufficient capacity for the TV Highway over the next 20 years. That draft plan indicates that 20-year demand can be satisfied without providing additional travel lanes on TV Highway, but that the need for seven travel lanes will occur shortly after the 20-year horizon. The 1999 staff report indicates that the RTP solution is based on a six lane approach. The Council finds that the future improvements identified in the URA 55 provisions of the urban reserve plan are consistent with the revised Level of Service Standard (LOS) in the Kittelson Report of that plan and required by the conditions of this ordinance.

The record contains alternative estimates of needed transportation facilities and costs from a citizen. This testimony does not consider the effects of the policy decision by Hillsboro to accept greater traffic congestion in the South Hillsboro area with the enhancement of other modes of transportation consistent with the Functional Plan. The Metro Council finds that the Kittelson analysis in the urban reserve plan which uses the revised LOS is more detailed and credible than the alternative evidence from citizen Larrance. The revised LOS is required to be included in the city comprehensive plan for URA 55 with other measures to assure greater availability of other modes of travel to reduce vehicle miles traveled per capita.

Street connectivity is addressed in the Kittelson analysis in the urban reserve plan consistent with the Urban Growth Management Functional Plan. As required in the conditions of this ordinance, 10-16 local street connections per mile will be provided as URA 55 develops. This addresses citizen Larrance's claim that no east-west connectivity is provided by the urban reserve plan for URA 55 alone. This internal street connectivity provides points of access east to 234th without accessing Tualatin Valley Highway.

The Hillsboro South "First Tier Concept Plan"<sup>2</sup> identifies a number of on and off-site transportation system improvements which are needed to make provision of transportation services feasible. Metro Transportation Planning staff have reviewed the "Hillsboro South Urban Reserve Concept Plan" Transportation Report provided by Kittelson & Associates and has generally found the conceptual plan to meet the spirit and intent of the Regional Transportation Plan for URA 55. However, Metro staff agreed that certain steps should be pursued to ensure a sound transportation system. Therefore, the Council finds that provision of transportation service to URA 55 is feasible upon the following conditions:

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<sup>2</sup> South Urban Reserve Concept Plan at 129.

- Hillsboro shall identify off-site transportation improvements with rough cost estimates in its Public Facilities Plan to assist in implementing its funding strategy.
- Local streets shall be planned and provided at street connectivity of 10-16 connections per mile.
- Hillsboro shall provide or require construction in its approval of development of all on-site road improvements identified in the First Tier Concept Plan.
- Hillsboro shall amend its transportation plan to provide for the identified off-site road improvements. As part of amending its transportation plan, Hillsboro shall state that it adopts the alternative level of service standard consistent with Title 6 of the Urban Growth Management Functional Plan consistent with the conditions of this ordinance.
- Hillsboro shall amend its comprehensive plan to require a corridor study of the Tualatin Valley Highway prior to development approvals to “provide a strategy to maintain the through traffic capacity of TV Highway, while providing acceptable access to and across the highway” from Beaverton to Hillsboro.<sup>3</sup> The results of the study shall be implemented concurrent with urban development using the development proposal outlined in the First Tier Concept Plan.
- Hillsboro shall amend its comprehensive plan to reflect the changes in the functional classification of Tualatin Valley Highway consistent with the Regional Motor Vehicles System Plan Map (1997) consistent with the conditions of this ordinance.

As coordination with Hillsboro on the Tualatin Valley Highway study, Metro will address a corridor study for TV Highway in its Regional Transportation System Plan.

The staff report states that Tri-Met Forest Grove Route 57 provides seven-day service from Forest Grove to downtown Portland and carries approximately 8,500 daily riders. Tri-Met’s Draft Transit Choices for Livability (May 1998) includes neighborhood oriented bus service around Brookwood Avenue, Cornelius Pass Road, 216th and 219th Avenues, and the two Hillsboro high schools, as well as connections to Westside Max stations. These services are planned for the next one to five-year time frame. However, additional transit service may be needed as URA 55 develops. Therefore, the Council finds that orderly provision of transit services will be feasible with the condition in this ordinance that Hillsboro coordinate with Tri-Met to develop a transit implementation plan to be phased in as development occurs.

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<sup>3</sup> Hillsboro South Urban Reserve Concept Plan - Transportation Report at 2-3.

## Fire, Police and Schools

The staff report indicates that the City of Hillsboro will provide fire and police services once the area is annexed to the City. Additional police and fire services are part of Hillsboro's conceptual plan. The URA 55 provisions of the Concept Plan calls for one elementary school, a police and fire station, and one middle or high school. The Hillsboro School District will absorb the new students generated by this area. Hillsboro's conceptual plan technical appendix "Technical Concept Impact Report - Schools" states that the district has some capacity to accommodate new students now. Once the area urbanizes, additional capacity will be needed. The potential school sites are identified, and the Council finds that it is feasible that development of needed schools to serve the development in URA 55 can take place concurrently as the area develops according to the concept plan.

Factor 4: Maximum efficiency of land uses within and on the fringe of the existing urban area.

- (A) The subject area can be developed with features of an efficient urban growth form including residential and employment densities capable of supporting transit service; residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and the ability to provide for a mix of land uses to meet the needs of residents and employees. If it can be shown that the above factors of compact form can be accommodated more readily in one area than others, the area shall be more favorably considered.

Urban form issues have been partially determined for URA 55 by the acknowledged 2040 Growth Concept. Exhibit A of this ordinance includes 2040 Growth Concept designations for this area to include it in the acknowledged urban form for the region.

Consistent with the staff report, the Council finds that URA 55 is capable of being developed independently of the rest of the South Hillsboro Urban Reserve Concept Plan, with features that comply with the 2040 Growth Concept. The Main Street/Neighborhood Center (Goldon Creek) area will accommodate mixed-use development with medium and high density residential housing. The Council finds that these development patterns are capable of encouraging pedestrian, bicycle and transit use. In addition, the First Tier Concept Plan calls for sidewalks and bicycle facilities which will improve opportunities for pedestrian and bicycle transit.

URA 55 consists of approximately 354 acres. The 1998 staff report estimated that approximately 1,493 dwelling units and 457 jobs could be accommodated within the 402-acre area prior to the 1999 amendment removing 48 acres of EFU land. The urban reserve plan estimates a slightly higher 210 buildable acres and 2,100 dwelling unit capacity. Development at these densities will result in an average density of approximately 10 dwelling units per net buildable acre which is consistent with the 2040 Growth Concept. The Council finds that this density is sufficient to develop transit service as it is

comparable with the actual density of much of the area within the current UGB that is served by transit.

Compliance with Factor 4 of Goal 14, which this section of the Metro Code is acknowledged by LCDC to implement, also requires consideration of measures for satisfying the Factor 1 and 2 need inside the existing UGB. Metro's Urban Growth Management Functional Plan, Title 1 requires all of the 24 cities and three counties in Metro's jurisdiction to amend their comprehensive plans and implementing ordinances by February 1999, to require that new development result "in the building of 80 percent or more of the maximum number of dwelling units per net developable acre permitted by the [existing] zoning designation for the site." This requirement will significantly increase the housing unit capacity inside the existing UGB. Therefore, Metro has considered and implemented regionwide measures which comply with the Goal 14, Factor 4 requirement to avoid premature conversion of land outside the UGB to urban use.

- (B) The proposed UGB amendment will facilitate achieving an efficient urban growth form on adjacent urban land, consistent with local comprehensive plan policies and regional functional plans, by assisting with achieving residential and employment densities capable of supporting transit service; supporting the evolution of residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and improving the likelihood of realizing a mix of land uses to meet the needs of residents and employees.

Urban development of URA 55 will facilitate efficient urban growth inside the UGB in several ways. Street connectivity will be improved by providing east/west street connections which do not rely on Tualatin Valley Highway consistent with the conditions of this ordinance. Enhanced street connectivity will provide better access for fire and police and protection. As the area urbanizes, the local street network will be improved to urban standards with curbs and gutters, sidewalks, handicapped ramps and bike lanes. The Council finds that these improvements will integrate with the existing residential areas near SE Witch Hazel Road. The Council also finds that improvements to the wastewater system which will occur with development of URA 55 will generally improve efficient provision of service on adjacent urban land.

Factor 5: Environmental, energy, economic and social consequences.

- (A) If the subject property contains any resources or hazards subject to special protection identified in the local comprehensive plan and implemented by appropriate land use regulations, findings shall address how urbanization is likely to occur in a manner consistent with these regulations.

Gordon Creek and Witch Hazel Creek pass through URA 55. These streams will be subject to protection under Title 3 of the Functional Plan. All development, excavation and fill in the floodplain would be subject to Title 3 consistent with the conditions of this ordinance. The Council finds that Title 3 performance standards will adequately protect these two stream corridors as URA 55 develops.

- (B) Complementary and adverse economic impacts shall be identified through review of a regional economic opportunity analysis, if one has been completed. If there is no regional economic opportunity analysis, one may be completed for the subject land.

A regional economic opportunity analysis has not been completed as of the date of this report for URA 55.

- (C) The long-term environmental, energy, economic, and social consequences (ESEE) resulting from the use at the proposed site. Adverse impacts shall not be significantly more adverse than would typically result from the needed lands being located in other areas requiring an amendment of the UGB.

### Environmental

Two stream systems are located on URA 55: Gordon Creek and Witch Hazel Creek. The Tualatin River is the western-most boundary of URA 55. Gordon Creek is the eastern boundary of the site. There is little or no remaining vegetation adjacent to Gordon Creek due to intensive agricultural practices. The stream flows in a southwesterly direction through the southeastern corner of URA 55 where riparian wetlands and adjacent uplands are forested and relatively undisturbed.

Witch Hazel Creek is a tributary of Rock Creek. Portions of the creek have been piped and culverted. According to the staff report a short segment of this stream flows through URA 55 and is relatively undisturbed. The channel occupies a narrow riparian corridor that widens considerably to the south near River Road. Witch Hazel Creek occupies a narrow floodplain with dense riparian vegetation. The staff report identifies this area as having important habitat functions.

The Council heard testimony asserting that an Indian burial ground and other historic sites are generally located in the area of URA 55. However, this testimony was not supported by substantive evidence of such sites. The staff report indicates that the State Historic Preservation Office reviewed URA 55 and found that no archeological or historic resources are located in URA 55.

The Council finds that the typical environmental impacts of urban development near riparian areas can lead to stream degradation if measures are not in place to address those impacts. Title 3 of the Functional Plan requirements in conditions of this ordinance provide protection for riparian areas to improve water quality and manage Floodplain. Title 3 will apply to development in URA 55. Due to these protections, the Council finds that the impact of urbanizing URA 55 will not be significantly more adverse than developing other urban reserves.



## Social

As the staff report demonstrates, there are positive and negative consequences to urbanizing any area. Through required urban reserve planning, URA 55 can be developed in an efficient manner with the amenities of an urban area. This would provide an opportunity for mix-use development with a wide array of services for local residents. The closer proximity of housing to services and jobs will result in fewer vehicle miles traveled by local residents, and will provide opportunities for other modes of transportation such as transit, bicycling and walking. These benefits are gained at the cost of losing a small portion of the rural lands outside the current UGB. Farming activities may feel the impacts of increased urbanization in the form of increased traffic or pressure to develop their lands or curtail farming activities. These social costs must be weighed against the costs of not providing enough land to accommodate needed housing and jobs.

However, the Council finds that the social cost of not expanding the UGB in areas close to existing developed areas is great. Bringing limited amounts of land into the UGB and requiring development consistent with the 2040 Growth concept is anticipated to decrease the pressure on nearby farm land and rural residential land to accommodate more low density development. URA 55 can accommodate 2040 Growth Concept densities which the Council finds will limit impacts such as the loss of agricultural production, increased costs of services, increased vehicle miles traveled and pollution that result from pushing growth outside of the areas that are contiguous to the current UGB. The Council finds that the social impacts associated with urbanizing URA 55 are not typically more adverse than are likely to occur for other urban reserves.

## Economic

The majority of the land in first-tier URA 55 is designated for rural residential use. A review of aerial photos shows that agricultural activity is occurring on some exception lands. As a result of urbanization, a loss of farm income due to the conversion of agricultural lands to housing and commercial uses will occur. Other URAs are anticipated to have similar losses of farm income as lands are urbanized. A shift in economic income will occur as construction occurs in this area.

Overall, the adverse economic consequences of a slight loss in farm-related income near URA 55 will be offset by increases in commercial and retail development by bringing these lands into the UGB with a new main street area. The relatively small number of existing farm uses and the lack of productive farm soils make the loss in this area minimal compared to other lands outside the UGB. Therefore, the Council finds that the economic impacts associated with urbanizing URA 55 are not typically more adverse than are likely to occur for other urban reserves.

## Energy

URA #55 is proximate to the City of Hillsboro boundary, which makes logical extension of roads to serve this area practical. Reduction in the number of miles to serve a developing area decreases fossil fuel consumption and decreases the negative consequences of pollution from using automobiles. In addition, the 2040 Growth Concept and the average of 10 dwelling unit per net acre makes for compact urban form that in itself is more energy efficient. Overall reductions in vehicle miles traveled and out-of-direction travel can be expected from locating the UGB expansion in this area as opposed to allowing development outside of the boundary. Planned development will increase the density of the area making existing and proposed street system more efficient.

URA 55, with the new main street area and Functional Plan upzoned residential densities maximize energy efficient land uses. VMT is reduced compared to other lands outside the UGB without this planning. The Council finds that the impacts of urbanizing this area are not typically more adverse than amending the UGB in other urban reserve areas.

Factor 6: Retention of agricultural land.

(B) After urban reserves are designated and adopted, consideration of Factor 6 shall be considered satisfied if the proposed amendment is wholly within an area designated as an urban reserve.

The staff report correctly states that the Metro Council adopted urban reserves on March 6, 1997 by Ordinance No. 96-655E. URA 55 was adopted as part of that ordinance. As noted in the Metro Code, the above hierarchy is only to be used prior to adoption of urban reserves.

Alternatively, the staff report also correctly notes that the designated urban reserves are not yet acknowledged by LCDC and are currently under appeal. However, URA 55 is composed solely of exception lands. Therefore, there is no agricultural land to retain. The Council finds that amending the UGB in this area retains farmland in accordance with Factor 6 by adding the only large area of exception land in the Hillsboro regional center area, even if the area was not already designated urban reserve.

3.01.020(b)(7)

Factor 7: Compatibility of proposed urban development with nearby agricultural activities.

(i) A description of the number, location and types of agricultural activities occurring within one mile of the subject site.

The staff report identifies the number, location and types of agricultural activities occurring within one mile of URA 55. The report states that there are approximately 23 acres of orchards, 139 acres of row crops, 1,161 acres of field crops and about 648 acres of unfarmed EFU land.

(ii) An analysis of the potential impacts, if any, on nearby agricultural activities taking place on lands designated for agricultural use in the applicable adopted county or city comprehensive plan, and mitigation efforts, if any impacts are identified. Impacts to be considered shall include consideration of land and water resources, which may be critical to agricultural activities, consideration of the impact on the farming practices of urbanization of the subject land as well as the impact on the local agricultural economy.

Impacts to land and water resources critical to agricultural activities will be negligible from urbanization of URA 55. Almost all of the identified agricultural activities in the area occur on lands that are south and southwest of URA 55. Although no specific adverse impacts have been identified, this farmland is buffered by the Tualatin River to the west and the Reserve Vineyards Golf Course to the south. Therefore, the Council finds that any impacts from urban uses in URA 55 will be mitigated due to this buffering.

### 3.01.020(c)

(1) The land need identified for Factors 1 and 2 of 3.01.020(b), above, included the estimated effect of the regionwide upzoning of residential densities required by the Urban Growth Management Functional Plan. The requirements of Title 1 of that Plan include use of an 80% minimum residential densities and target upzoning for all 24 cities and 3 counties in Metro. Those regionwide policies require the accommodation of all the additional housing inside the UGB that is reasonable. The Council finds that the measures required by the Functional Plan goes beyond the Metro Code requirement to "consider" whether the identified land need cannot reasonably be accommodated within the current UGB.

(2) The 2040 Growth Concept densities anticipated for URA 55 are similar to the urban areas to the north of the site inside the UGB. Residential uses in URA 55 will also be compatible with the existing residential area to the west near Witch Hazel Road. Public facilities and transportation will be integrated with existing systems and are likely to improve existing services as explained in the findings for Factor 3. Furthermore, as explained in the findings for Factor 7, agricultural activities to the south and west will be adequately buffered from future urban uses. Therefore, the Council finds that the proposed uses for URA 55 will be compatible with other adjacent uses.

(3) The ESEE consequences resulting from urban use at URA 55 are set forth in the Council's findings on Factor 5. Those findings demonstrate that the impacts of urbanizing this URA are not more adverse than would typically result in allowing urban development in other urban reserve areas. Since URA 55 is composed of exception land, the loss of agricultural land is minimized. Compared to other urban reserves which are also exception lands, this URA provides the benefits of compact urban form and 2040 housing densities.

3.01.020(d)

To the west, URA 55 is bordered by the Tualatin river, Witch Hazel Creek and River Road. These are natural and built features which are consistent with this code section. To the south and southwest, URA 55 is buffered by the Reserve Vineyards Golf Course. To the east, URA 55 is bordered by 229th Avenue which provides a clear built transition between URA 55 and other areas to the east. The UGB is located directly north of URA 55. The Council finds that these natural and built features provide a clear transition between URA 55 and surrounding rural and agricultural lands.

3.01.020(e)

The 1998 staff report provides a general discussion of the applicable Statewide Planning Goals, including Goals 2 and 14. These goals are addressed by the analysis for Metro Code section 3.01.020 discussed above. No other applicable goals were raised in testimony before the Council or identified in the record.

Alternatively, the Metro Council adopts the discussion of other goals in the November 24, 1998 Staff Report at pp. 37-39.

3.01.020(f)

URA 55 is consistent with the 2040 Growth Concept because the above findings show that development in the area will be consistent with Region 2040 policies and the primary design type of inner neighborhoods is feasible.

3.01.012(e)

The Metro Code Section 3.01.015(e) requires that the Council consider the urban reserve conceptual planning requirements set forth in 3.01.012(e). If insufficient land is available that satisfies the conceptual plan requirements, the Council may consider first tier lands where the city or county has committed to completing and adopting an urban reserve plan.

The City of Hillsboro has submitted a draft concept plan known as the Hillsboro South Urban Reserve Concept Plan for URAs 51 through 55. The plan also includes a First Tier Concept Plan, which is a stand-alone plan for the first tier portion of URA 55. These findings address only the First Tier Concept Plan. The URA 55 provisions of the Concept Plan, dated November 16, 1998, is currently being revised by the City of Hillsboro to address the requirements of a technical assistance grant for urban reserve planning awarded by DLCDC. The revised, final Concept Plan will add more detail and analysis for the development of land uses on the exception areas of URA 55. This plan will be even more of a "stand alone" plan consistent with this ordinance than the draft plan (November 1999). Condition 6(B) requires the amendment of the City of Hillsboro's comprehensive land use plan to incorporate a "stand alone" plan for the exception areas of URA 55.

Alternatively, if the urban reserve concept plan is not complete, the Metro Council accepts the Hillsboro transmittals in the record as a commitment to complete the concept plan in 1999. This commitment satisfies Metro Code 3.01.015(e).

### 3.01.012(e)(1)(A - C)

The City of Hillsboro and Washington County entered into a Memorandum of Understanding, dated January 29, 1998 to determine planning responsibilities for the purpose of preparing urban reserve conceptual plans for URAs 51 - 55. The Memorandum gives planning responsibility for URA 55 to the City of Hillsboro. To address subsection (A), Hillsboro agrees to adopt comprehensive plan amendments implementing the conceptual plan upon Metro approval.<sup>4</sup> To address subsection (B), Hillsboro agrees to initiate action to annex URA 55 to the city only after Metro amends the UGB.<sup>5</sup> In response to subsection (C), the city and county agree that rural zoning will apply to URA 55 until it is annexed to the city.<sup>6</sup> The Council finds the Memorandum of Understanding sufficient to satisfy Metro Code section 3.01.012(e)(1).

### 3.01.012(e)(4)

The URA 55 provisions of the Concept Plan map<sup>7</sup> and tables in the text show a mix of low-medium density, medium-high density and mixed used-high density housing types in URA 55. The staff report states that the First Tier Concept Plan will provide 10 units per net developable acre because of the concentration of housing density near the main street portion of URA 55. This URA is also subject to the 2040 design type of inner neighborhood. The Council finds that the proposed allocation of housing densities will provide an average of 10 units per net developable acre and conform to the 2040 design type for inner neighborhood and this ordinance contains specific conditions to assure that the densities proposed in the URA 55 provisions of the Concept Plan are achieved.

### 3.01.012(e)(5)

The First Tier Concept Plan provides a residential housing program which estimates the diversity of the housing stock anticipated for URA 55. The program demonstrates that there will be at least eight different housing types ranging from large single family to apartments and senior housing. The staff report estimates that approximately 55 percent of the housing units will be owner occupied, and about 45 percent will be renter occupied. The Council finds that the residential program provides for a diversity of housing stock sufficient to satisfy this code criterion. This ordinance contains conditions that require the city to adopt zoning that implements this residential program shown on Table 12 of the draft Concept Plan.

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<sup>4</sup> Memorandum of Understanding - Section III. A.

<sup>5</sup> Memorandum of Understanding - Section V. A.

<sup>6</sup> Memorandum of Understanding - Section III. E.

<sup>7</sup> Figure W of first tier Concept Plan.

### 3.01.012(e)(6)

The First Tier Concept Plan explained that the need for affordable housing in URA 55 can be satisfied without public subsidy by providing row housing or plex ownership opportunities. Staff initially found that not enough information was provided to determine whether this section was satisfied. An additional report has been submitted from the City of Hillsboro which addresses affordable housing.<sup>8</sup> This information identifies the need for housing units at or below 80 percent of median income. Affordable rental rates for the Hillsboro area are estimated to be approximately \$851 at 80 percent of median income and \$532 at 50 percent of median income. At these estimated rents, the associated rental unit value of two bedroom and studio multifamily or attached housing at approximately \$73,265 and \$45,791 respectively. With general housing densities of 10 units per net developable acres and up, and considering the mix of housing discussed in the "Housing Program" above, the report shows that at current per acre land costs, affordable housing is possible at normal levels of profitability for development. The report demonstrates, and the Council finds that the First Tier Concept Plan for a mix of residential housing will provide opportunities for affordable housing without public subsidy.

### 3.01.012(e)(7)

The First Tier Concept Plan calls for about 15 acres designated for employment in the mixed-use Main Street and Neighborhood Center identified on the concept plan map. The site is planned to accommodate an estimated 225 jobs with commercial, retail and a grocery store and miscellaneous personal and health care services in the Main Street area. There is a difference between the number of jobs estimated by the Productivity Analysis and the Concept Plan. However, this difference appears to be primarily due to the estimate of home-based jobs in the Productivity Analysis, which is not included in the Concept Plan estimate. In addition, the First Tier Final Concept Plan Map<sup>9</sup> shows the main street area to be in close proximity to the existing residential development near SE Witch Hazel Avenue. It is reasonable to assume that service and employment opportunities created in the main street - neighborhood center will also serve the needs of those residents inside the current UGB. The Council finds that the commercial and employment opportunities provided by the planned main street area satisfy this section of the code.

### 3.01.012(e)(8)

Metro's Transportation Department has reviewed the URA 55 provisions of the Concept Plan - Transportation Plan for consistency with the RTP.<sup>10</sup> The conceptual transportation plan substantially meets the RTP criteria with the improvements related to URA 55 identified in the Hillsboro South Urban Reserve Plan Transportation Report, Kittelson & Associates, Inc. These improvements are needed for adequate transportation service for the area. The findings and conclusions under Factor 3 are adopted here by this reference. To ensure that the improvements identified by the First Tier Concept Plan and Metro's

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<sup>8</sup> Memo - Ed Starkie to Sonny Conder, November 30, 1998.

<sup>9</sup> This map is identified as Figure W in the First Tier.

<sup>10</sup> The Transportation Department's review is found in memos dated November 22, 1998 and May 12, 1999.

Transportation Department are made part of Hillsboro's comprehensive plan, the Council has attached conditions which must be satisfied prior to conversion of urbanizable land in URA 55 to urban uses.

### 3.01.012(e)(9)

The First Tier Concept Plan relies on a Natural Resources and Stormwater Management: Background, Integrated Plan and Impact Assessment Report (August 1998)<sup>11</sup>, to identify and map areas to set aside for protection of fish and wildlife habitat, water quality enhancement and mitigation, and natural hazards mitigation. The plan incorporates many of the recommendations in the report and the maps identify areas for protection from development for riparian, wetland and upland habitat protection. The maps also identify wetland mitigation sites, potential stream and riparian restoration, regional stormwater detention sites and stormwater treatment sites. The Council finds the identification and mapping of natural resources is sufficient to satisfy this code section.

The staff report indicates that while identification and mapping are adequate, the First Tier Concept Plan does not contain a funding strategy for protecting those areas identified. The City of Hillsboro has submitted a "Conceptual Financing Strategy" which provides a funding strategy for protecting areas in accordance with this code section.<sup>12</sup> Part of Hillsboro's strategy for natural area protection is to incorporate protection into existing park and regional water quality detention facilities planning. Incorporated into those plans, the city has identified existing funding, approximately \$9.7 million, which can be provided through current parks system development charges. According to the city, this amount of funding is sufficient to extend the existing level of park land to residents that currently existing in Hillsboro. The city also identifies developer exactions and dedications as part of its strategy for funding protection of identified natural resources. The Council finds that Hillsboro's Conceptual Financing Strategy for natural areas identifies funding sources sufficient to make the city's funding strategy feasible.

### 3.01.012(e)(10)

The First Tier Concept Plan provides a conceptual public facilities and services plan which includes costs for the major utility needs of the proposed concept plan covering URA 55. The staff report indicates that the public facilities concept plan is adequate to satisfy this criteria.

USA will provide wastewater treatment for the area. The Rock Creek treatment plant is immediately west of URA 55. The concept plan includes a small gravity line paralleling Gordon Creek and a large gravity line northwest of the site that will provide additional wastewater collection for URA 55. Pump stations and force mains will cross Gordon Creek. The plan indicates that facilities will be located in public right-of-way and existing and proposed roads when feasible.

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<sup>11</sup> W & H Pacific report dated August 14, 1998.

<sup>12</sup> Memo - Wink Brooks to Carol Krigger, November 25, 1998.

The City of Hillsboro and the Joint Water Commission (JWC) will provide water service to the Lands added to the UGB by this ordinance. A 42-inch water transmission line runs north of the urban reserve and can be tapped to provide service to the area. The City has indicated that the water source, Barney Reservoir, is more than adequate to provide the water needs to the proposed community on first tier lands. The staff report provides a rough cost estimate of \$4,330,273 for water facilities.

Stormwater detention and water quality facilities will be distributed along tributaries of Witch Hazel Creek and Gordon Creek.

The transportation needs of URA 55 have been addressed through a system of streets including community boulevards, community streets, collectors and local streets. The Council discussed the First Tier Conceptual Plan - Transportation Plan under Factor 3 of these findings and 3.01.012(e)(8) above. Those findings are adopted here by this reference. The staff report provides a rough cost estimate of \$6,237,425 for transportation facilities for URA 55.

Police and first protection for URA 55 will be provided by three agencies: the City of Hillsboro, Tualatin Valley Fire and Rescue and the Washington County Rural Fire Protection District #2. An emergency services complex for police and fire service, located at Century Boulevard and Davis Road, is identified in the plan to serve the entire planning area. The Plan states, however, that off-site emergency services may have capacity for approximately 2,000 residential units anticipated for development in URA 55. The city has provided an estimated cost of a combined police and fire services facility of \$4.3 million. That cost is related to facility that would serve the entire South Hillsboro Urban Reserve Plan area. The revised final URA 55 Concept Plan provisions will demonstrate a much smaller estimated cost for URA 55 alone.

The First Tier Concept Plan identifies 90 acres land for active recreation use in URA 55. Specific components of the plan include a community park located west of River Road; a neighborhood park adjacent to the proposed elementary school near the main street center; a linear park near the regional detention facility; natural and stormwater areas along wetlands; riparian areas and stream corridors throughout the site; and bike and pedestrian pathways located along stream corridors and through linear parks. Rough cost estimates to acquire all land designated for parks in the South Hillsboro Urban Reserve Plan area are between \$15,750,000 and 21,000,000.

The Council finds that Hillsboro's conceptual public facilities plan adequately addresses sewer, water, storm drainage, transportation, fire and police protection facilities and parks. The plan and staff report also provide rough cost estimates for providing these services. At the time the staff report was completed, however, the city had not provided sufficient information to address a financing strategy for these estimated costs. Hillsboro has provided supplemental information which provides a conceptual financing strategy for public facilities.



For wastewater, stormwater and water, the city has estimated that the total system development charges attributable to the South Hillsboro Urban Reserve Plan area are approximately \$36,384,000. Applying this estimate against estimated costs results in a \$10.2 shortfall.<sup>13</sup> Hillsboro's information indicates that additional funding for these services can be provided by the developers of these sites. The Council finds that the majority of the funding for wastewater, stormwater and water have been identified by the city and that financing for provided by developers is feasible as the area develops. The revised final URA 55 Concept Plan provisions will demonstrate a much smaller estimated cost for URA 55 alone.

Similarly, the city has identified projected transportation impact fees of \$15.1 million from residential development and \$1.8 million from commercial development that are chargeable against on-site improvements. The rough cost estimate in the Kittelson Report estimates that the total transportation improvement costs for South Hillsboro on-site improvements is approximately \$33 million. The urban reserve plan indicates that the city anticipates that the developers of URA 55 can be required to pay for internal improvement which will address some of the shortfall. Based on this strategy and these estimates, the Council finds that the city's transportation financing strategy is feasible.

The rough cost estimate in the Kittelson Report estimates that total off-site transportation improvement costs of about \$22 million. The funding strategy is to combine funds from six potential sources of funding: transportation impact fees, additional systems, development charges, regional funding, developer exactions, gas tax for state-owned improvements, and/or Washington County MSTIP funding.<sup>14</sup> The Metro Council finds these estimates and strategies to be based on detailed analysis, including the revised Level of Service and connectivity required next for streets. These estimates are more credible than the higher estimates for transportation facilities by citizen Larrance.

Hillsboro's parks financing strategy is discussed under 3.01.012(e)(9), and the Council finds that the city's funding strategy for parks and natural areas is feasible. Hillsboro has also provided information that it anticipates financing for police and fire facilities to be financed through internal funds and general obligation bonds. The city also explains that some existing facilities may be sold which will generate additional funds for fire and police facilities. The Council finds that this funding strategy is feasible for providing funding for these services.

While the Council concludes that the financing strategy component of 3.01.012(e)(10) is feasible for the services discussed above, to ensure that adequate funding is available to provide these services at the time urban development occurs, the Council has conditioned approval upon the city adopting a financing plan for funding these public facilities improvements prior to conversion of urbanizable land in URA 55 to urban uses which demonstrates that identified funding sources are adequate to provide such facilities as URA 55 develops.

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<sup>13</sup> See Table 9 of Hillsboro South Urban Reserve Concept Plan.

<sup>14</sup> Memo - Wink Brooks to Dan Cooper, December 7, 1998.

3.01.012(e)(11)

The First Tier Concept Plan identifies a potential need for at least one elementary school within URA 55. The proposed location of the elementary school site, about 10 acres, is shown on the First Tier Final Concept Plan Map near the Gordon Creek Main Street/Neighborhood Center. According to the schools analysis performed, there is no need for a middle school in URA 55 area in the immediate future. The Council finds that the conceptual school plan has demonstrated coordination with the affected school district and concludes that this criterion has been met.

3.01.012(e)(12)

First Tier Final Concept Plan Map attached as Appendix C to these findings shows all of the above elements required by this criterion. The Council finds that this section of the code is satisfied.

3.01.012(e)(13)

The Memorandum of Understanding between the City of Hillsboro and Washington County demonstrates coordination between those two local governments. The First Tier Concept Plan also demonstrates sufficient coordination with other public bodies including Metro, USA, Tualatin Hills Parks and Recreation District and Tualatin Fire and Rescue. The Council finds that this section of the code is satisfied.

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6/2/99

Figure W



Hillsboro  
South  
Urban  
Reserve  
Area

Tier 1  
Final  
Concept Plan

October 29, 1998

Prepared By  
McKeever/Morris, Inc.

and  
W&H Pacific  
Leland Consulting Group  
Greenworks, PC  
Conforth Consultants, Inc  
Carl Worthington & Assoc  
Kittelson & Associates

Legend

Base Map Information

- Concept Plan Boundary
- Tax Lots
- Urban Growth Boundary
- Urban Reserve

Land Uses

- Low Density Res (2.4-3.0 units/ac)
- Low-Medium Density Res (5.6-7.0 units/ac)
- Medium-High Density Res (17.6-22.0 units/ac)
- Mixed Use & High Density Res (23.2-29.0 units/ac)
- Civic, Public & Schools
- General Employment
- Golf Course

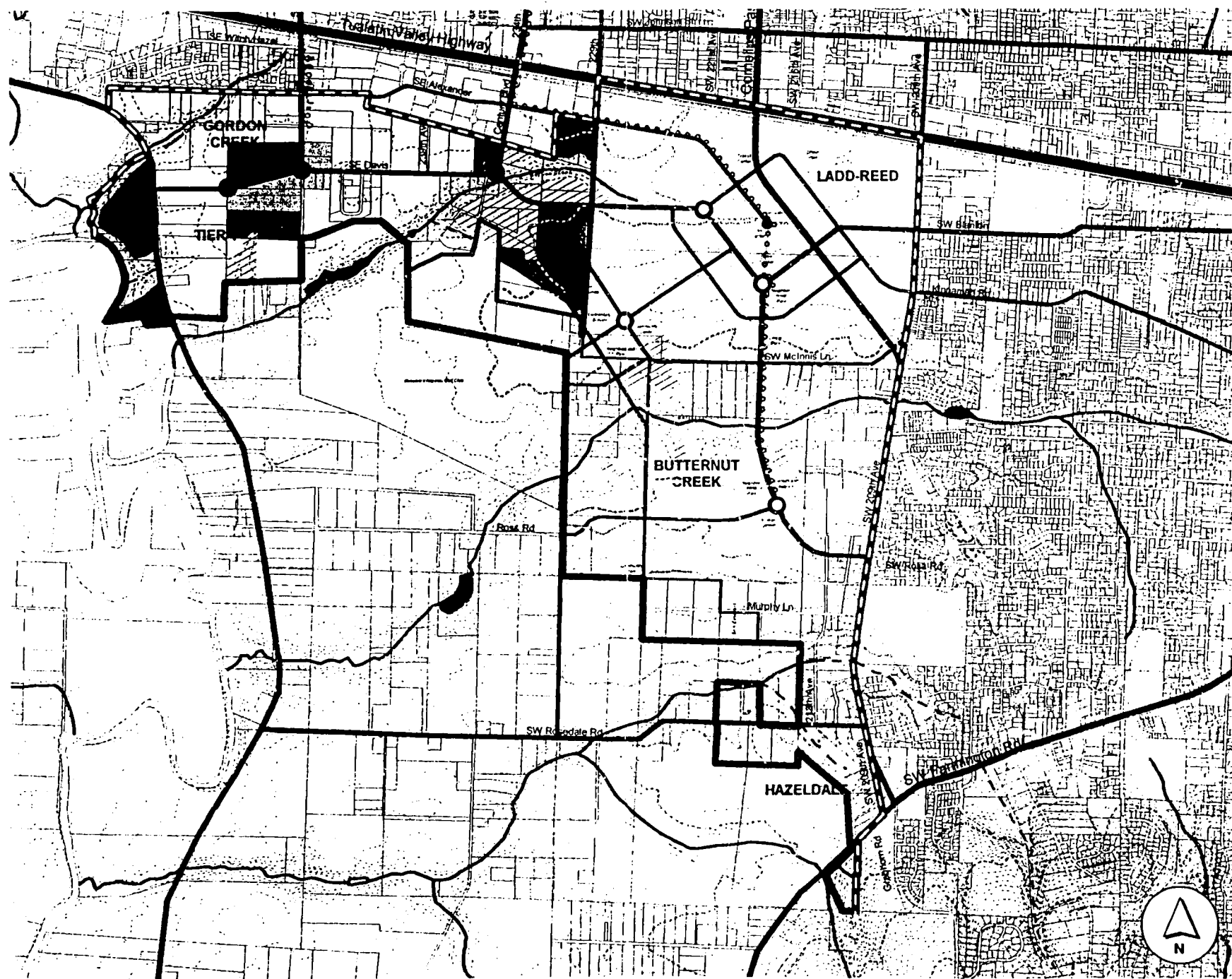
Transportation

- Minor Collector
- Community Street/Boulevard
- Expandable to Regional Boulevard
- Regional Boulevard
- TV Highway
- Commuter Rail (Optional)
- Streetcar (Optional)

Natural Systems

- 100' Contours
- 10' Contours
- Perennial Stream
- Intermittent Stream
- Parks & Greenspace
- Stormwater
- Title 3 & Rec Corridor

0 1000 2000 Feet





Appendix A

METRO

Date: October 26, 1998

To: Mark Turpel, Senior Program Manager  
Growth Management Services Department

From: Glen Bolen, Associate Regional Planner *GB*  
Growth Management Services Department

Re: *Exception Lands Not Considered as Alternative Sites for Urban Growth Boundary Expansion*

In December 1997, Metro Council concluded, through adoption of the Urban Growth Report, the Urban Growth Boundary (UGB) did not contain sufficient land to accommodate the forecasted 20 years of residential development. The Metro Council adopted the report describing the deficiency as follows: the UGB must be expanded in order to accommodate just over 32,000 households and 2900 jobs.

According to State law, Metro has until December 31, 1998, to bring enough land into the boundary to accommodate one-half of the total need, just over 16,000 households and 1,450 jobs. State law requires that Metro establish urban reserves to designate the areas it will expand its UGB into over the next 30 years. Metro established 18,579 acres as urban reserves on March 6, 1997. In accordance with State law and Metro Code, the UGB can only be expanded into these adopted urban reserves.

State land-use laws specify a hierarchical approach to making a UGB expansion decision. The State requires Metro to first look at exception lands near the boundary. Exception lands are those that have been excepted from Statewide Planning Goals 3 and 4, protecting farm and forest lands. If exception lands cannot meet the entire need, then Metro may consider resource lands. Metro included both exception land and land designated for farm or forest use in designating its initial Urban Reserve Study Areas (URSAS). The adopted urban reserves, selected from the URSAS also contain both exception land and resource land.

To decide which lands in proximity to the current UGB can best accommodate the immediate forecasted need, Metro contracted with Pacific Rim Resources to perform a productivity analysis of the adopted urban reserves. The consultants completed their task in two phases. The first step was to analyze all of the urban reserves with a cursory look at household and job capacity. The first step allowed the consultants to narrow their focus to approximately 12,000 acres for a more detailed second phase of analysis. Some exception lands were dropped from consideration in the first phase because they were shown to be less productive or more costly to serve.

Some may question why not all the Exception Lands around the region have been considered. The intent of this memo is to describe why those lands were not considered in the UGB expansion.

The majority of the spatial information relied upon for this memo was derived from the data contained in Metro's RLISLITE CD-ROMS dated August 1998. Digital Ortho-photography comes from Metro's RLIS Photo CD-ROMS dated September 1997. Copies of the CD-ROMS utilized are attached. The remainder of the geographic information relied upon was taken from the acknowledged Region 2040 Growth Concept Map.

The staff analysis of exception lands not included in the urban reserves is categorized for ease of reading. The first two groupings include exception land some distance from or not contiguous to the current UGB. Categories 3 through 41 are set up geographically as a 'walk' around the UGB with an analysis on specific small groupings of exception lands that share a common issue.

Category  
Number Description

1. **Distance.** None of the lands included in category one are near enough to the present UGB to enable efficient urban expansion. All of these exception areas are at least one full mile from the present UGB. Urban development in these areas would have negative impacts on the environment, specifically air quality; resultant from increases in vehicle mile traveled.

In addition, many of the exception areas within this category are located within Metro identified rural reserves, and green corridors as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan, and the Regional Urban Growth Goals and Objectives (RUGGOs) specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations.

Metro is currently working with neighboring communities to develop agreements on shared policy. The intent of the agreement is to protect the rural reserves from urban development and maintain separation between communities.

A green corridor is defined in the Regional Framework Plan, Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that 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.

2. **Noncontiguous Areas.** These exception areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require that the intervening agricultural areas be urbanized. In addition, many of the exception areas within this category are located within rural reserves as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

3. **Columbia Gorge National Scenic Area.** Exception lands in Multnomah County that are affected by Columbia Gorge National Scenic Area were excluded from consideration for urbanization. Urbanization of these areas would conflict with the goals established by the federal government.
4. **Area East of Gresham.** This area has a considerable amount of land that consists of slopes in excess of 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, there is a significant canyon in the area with a stream that contains both wetlands and lands in the FEMA 100-year floodplain.
5. **Gresham Sandy Separation.** The RUGGOs Objective 26.1 specifies that communities will benefit from maintaining separation. This separation can be achieved by retaining the rural nature of the lands between the UGB and neighboring cities. The area between Gresham and Sandy serves this function. This area is also contained within a rural reserve as identified by the Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

The Region 2040 Growth Concept Map also identifies Highway 26 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan, Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that 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.

6. **Area South of URAs 1, 2 and 3.** This area was shown by the 1996 "Utility Feasibility Analysis for Metro 2040 Urban Reserve Study Areas" report completed by KCM to require "above average cost" for servicing. The land in this area is distant from existing urban services. The area contains a considerable amount of hilly land with slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This land is separated from the urban reserve land to the north by a watershed boundary, and drains to the south, away from the gravity systems of Portland and Gresham. Using watershed boundaries for delineation of an UGB is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

The Regional Framework Plan Objective 1.11 (Neighbor Cities) specifies that communities will benefit from maintaining separation. Not including these lands helps achieve this separation by retaining the rural nature of the area between Gresham and Sandy.

US Highway 26 is a designated Access Oregon Highway. The Region 2040 Growth Concept Map identifies Highway 26 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that 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.

7. **Area East of URAs 6, 7 and 8.** Much of the land in this area is shown to have slopes of equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the land in this area is far from existing urban services.

A considerable portion of this area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities. The scenic value of the buttes in this area is important to retain while balancing the land need for housing with quality of life needs for the general population.

A portion of this area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge adding significantly to the cost of urbanization.

8. **Area East and South of URA 9.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the land in this area is distant from existing urban services.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge making it expensive to develop.

9. **Area South of URA 9.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the presence of wetlands further excludes this land from being urbanized.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge making it expensive to develop.

10. **Area North of URA 15.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The scenic value of the buttes in this area is important to retain, while balancing the land need for housing and quality of life needs of the general population.

11. **Area West of URA 15.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The scenic value of the buttes in this area is important to retain, while balancing the land need for housing and quality of life needs of the general population.

12. **Carver Vicinity.** This area is almost entirely consumed by unbuildable land. A large proportion of this land is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Most of the land that is not steeply sloped lies within the FEMA 100-year floodplain of the Clackamas River. Metro's adopted Urban Growth Management Functional Plan (Functional Plan) (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will be required to have storm drainage water treatment applied prior to discharge, adding significantly to the cost of development.

13. **Area South of Clackamas River.** This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area will have to have storm drainage water treatment applied prior to discharge.

This area contains significant amounts of land that is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Other lands in this area lie within the FEMA 100-year floodplain of the Clackamas River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.



14. **Area East of Oregon City.** This area contains the Newell Creek Canyon, an area with significant amounts of land that is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. According to testimony from the City of Oregon City (see the legal record for the March 6, 1997, Urban Reserve Decision) the topography in this area makes it difficult to efficiently deliver urban services.

There is a substantial amount of land in this area that lies within the FEMA 100-year floodplain. It is also evident that there are several wetlands in this area. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

The addition of this land area would create an island of non-urban land surrounding Highway 213 or would increase the pressures of urbanization on the agricultural lands between this area and the UGB.

15. **Beavercreek Area.** These lands were excluded from consideration largely due to the existing settlement patterns. Lot sizes in this area start as small as one-half acre. Examination of aerial photography shows land is being fully utilized by the existing development. There is only one large parcel (approximately 160 acres) of land in the area. This parcel, however, is under construction as a county-owned golf course. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

16. **Oregon City, Canby Separation.** These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The acknowledged Region 2040 Growth Concept Map identifies Highway 99 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that 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.

17. **Stafford Area.** Much of this exception land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the

Region 2040 Growth Concept and the Urban Growth Report. A large amount of the remaining terrain is found to contain slopes between 18-24 percent.

The acknowledged Region 2040 Growth Concept Map identifies I-205 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that 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.

These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain a separation between communities.

The land directly west of URA 30 abuts a watershed boundary that directs sewer and stormwater away from the nearest service provider, the City of West Linn. This watershed boundary will make the efficient provision of urban services to these exception lands more costly. Using watershed boundaries for delineation of an UGB is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

18. **South of Interstate-205.** The acknowledged Region 2040 Growth Concept Map identifies I-205 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that 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.

This area also contains environmentally sensitive lands. There are significant areas shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. There are also lands in this area that lie within the FEMA 100-year floodplain of the Tualatin River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended

to support and protect farm and forestry operations and maintain a separation between communities. I-205 provides a clear boundary consistent with Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

19. **Sherwood, Tualatin, Wilsonville.** These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

A considerable amount of land in this area is environmentally sensitive. Some of this sensitive land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. There is also a considerable amount of land in this area that lies within the FEMA 100-year floodplain, and in federally protected wetlands. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

In addition, the exception lands near Highway 99 are compromised by the presence of a green corridor as identified by the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that 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.

20. **South of Wilsonville.** All of these exception areas are located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.
21. **South of Sherwood.** These exception areas are located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 99 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through

rural reserves that serves as a link between the metropolitan area and a neighbor city that 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.

22. **West of Sherwood.** Much of the exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 99 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that 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. The Oregon Department of Transportation (ODOT) has designated Highway 99 as an Access Oregon Highway. The region depends on this transportation facility as a free-flowing connection to communities in Yamhill County and at the Oregon Coast.

23. **Area West and South of URA 47.** All of the exception land south of URA #47 and a significant amount to the west are located within the FEMA 100-year floodplain for the Tualatin River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These exception lands are also compromised by the existing settlement patterns. Lot sizes in this area begin at less than one-half acre. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

24. **North of URA 49.** These exception lands are compromised for urbanization by the existing settlement patterns. This area is comprised almost entirely of small acreage single family residential dwellings. Residents in this area expressed concerns to the Metro Council about this area's suitability for further urbanization. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

25. **Cooper Mountain.** These exception lands are compromised for urbanization by the existing settlement patterns. This area is comprised almost entirely of small acreage single family residential dwellings. Residents in this area expressed concerns to the Metro Council about this area's suitability for further urbanization, and that there is an

operating vineyard in the vicinity. There are deed restrictions in place currently that limit the additional capacity of the smaller acreage tax lots in this area. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

26. **Area Southwest of URA 51.** It would be difficult to provide public services to these exception lands if they were added to the UGB. Water, sewer, and storm drainage will have to be run perpendicular to the UGB for some distance in order to serve very few properties.

This area protrudes from the existing UGB into an area designated for farm or forest use by the Washington County Comprehensive Plan. Urbanization of this area would be in conflict to Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

27. **Area South of URA 55.** These exception lands are almost entirely within the FEMA 100-year floodplain. In addition, the presence of wetlands is also an issue. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

There is one small piece of exception land in this area that is isolated from the land that is constrained environmentally. This isolated parcel appears from aerial photography to be the clubhouse and other structures associated with the vineyard and golf course known as "The Reserve." Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

28. **Area West of Hillsboro.** These exception areas are designated rural reserves by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural area.

29. **Area between Cornelius Hillsboro.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the

RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 8 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that 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.

The western edge of this area is adjacent to the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

30. **Area North of Cornelius.** The UGB in this area borders the FEMA 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

A considerable amount of the exception land in this area falls within both wetlands and the 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

31. **Area Southwest of Forest Grove.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The UGB in this area borders the FEMA 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides,

floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

A considerable amount of the exception land in this area falls within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

32. **Area North of Forest Grove.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The majority of this land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural areas.

33. **Area North of Evergreen Road.** These exception lands are relatively small and situated within a larger area of agricultural lands. Urbanization of these lands would have negative effects on the agricultural activities in this area. This intrusion into an agricultural area would not be consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

Inclusion of these exception lands within the UGB will create difficulties in regard to the efficient provision of public services. Water, sewer and storm drainage will have to be run perpendicular to the UGB for a distance to serve very few properties.

In addition, to the presence of wetlands, these exception lands contain land within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

34. **Area West of URA 62.** This small area of exception land is almost entirely within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

In addition, the exception areas at the western end of Evergreen Road are within rural reserves as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain separation between communities.

35. **Area Northeast of URA 62.** A considerable amount of the exception land in this area is within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural areas.

36. **Area West of URA 65.** This area of exception land in this area is within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The boundary of the adjacent URA #36 corresponds to the 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

37. **Area North of URA 65.** Agricultural lands and the FEMA 100-year floodplain surround this small area of exception land. Brugger Road was selected as the logical boundary to enhance a compact urban form consistent with the acknowledged Region 2040 Growth Concept and the Regional Framework Plan Objective 1.7.
38. **Area East of URA 65.** The majority of the exception lands in this area is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Agricultural lands also surround this area. In addition, the topography of this area limits the accessibility to sewer trunk lines, making the provision of public services more costly.
39. **Skyline Area.** This small area of exception lands is shown to almost entirely contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.



The addition of this area to the UGB would create an island of non-urban land surrounded by the UGB. Creation of such an island is not consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

40. **Highway 30.** The Region 2040 Growth Concept Map identifies Highway 30 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that 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.

In addition, the exception land in this area is within a rural reserve as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain separation between communities.

41. **Sauvie Island.** The exception land in this area is within a rural reserve as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

This area also suffers from poor accessibility for transportation services.

## Appendix B – Additional Site Considerations

Urban  
Reserve

Reasons for No Further Consideration at This Time

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- URA #1 No evidence of public service feasibility when Gresham is already shouldering primary responsibility for planning and public facilities for very large, primarily exception land urban reserve (URA #5). A large number of highly productive agricultural uses (nurseries) are located within and around the site. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #3 Site added to the Metro UGB through locational adjustment in Fall 1998.
- URA #11 No evidence of public service feasibility when Clackamas County is already shouldering primary responsibility for URAs #14 and #15 in close proximity. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #17 Site is amenable to urban residential, but not employment. Considering job/housing imbalance of the area, addition of residential area would only further the imbalance. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #18 Same as URA #17.
- URA #19 Same as URA #17.

URA #22 While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

URA #23 Same as URA #17.

URA #24 Same as URA #22.

URA #25 Same as URA #22.

URA #29 Site is amenable to urban residential, but not employment because of access and parcel size. Considering job/housing imbalance of the area, addition of residential area would only further the imbalance. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

URA #30 Site is suitable for urban residential, but not employment, because of slopes. Considering local job/housing imbalance, addition of residential only now would further the imbalance. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

URA #35 No evidence of public facility capability at this time when the City of Wilsonville is taking responsibility for planning and public facilities for URAs #41 and #42. The area has a water shortage to the extent that the City has adopted a moratorium. The problem may not be addressed until the year 2000. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

- URA #36 This URA is primarily a riparian area with very little buildable land. The Productivity Analysis estimates very high public facility cost per dwelling unit and very low productivity. This area is included as an URA for protection of resources. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #37 Same as URA #35.
- URA #44 Active aggregate resource extraction site and as such is a protected Goal 5 resource. Additional information about the resource is needed before further consideration and is not now in the record. Closure and reclamation are not yet initiated. The City of Tualatin and the property owner have agreed to begin the planning process next year. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #48 While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #49 Same as URA #48.
- URA #61 Same as URA #48.
- URA #64 Same as URA #48.
- URA #67 This area has among the highest public facility costs as estimated by the Productivity Analysis. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

- URA #68      The Productivity Analysis estimated very high public facility costs and very low productivity. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #69      The Productivity Analysis estimated very high public facility costs. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #70      The Productivity Analysis estimated very high public facility costs, low productivity. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

## **GROWTH MANAGEMENT COMMITTEE REPORT**

FOR THE PURPOSE OF AMENDING ORDINANCE NO. 98-788C WHICH AMENDS THE METRO URBAN GROWTH BOUNDARY AND THE 2040 GROWTH CONCEPT MAP IN ORDINANCE 95-625A IN URBAN RESERVE AREA 55 OF WASHINGTON COUNTY.

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Date: June 1, 1999

Presented by: Councilor McLain

**Committee Action:** At its May 26, 1999 meeting, the Growth Management Committee reviewed a draft version of Ordinance No. 99-809, and voted 3-0 to recommend that legal counsel amend the draft, based on committee comments, for introduction by the committee. Voting in favor: Councilors Bragdon, Park and McLain.

**Council Issues/Discussion:** Larry Shaw, Office of General Counsel gave the staff presentation. This ordinance--99-809, amends ordinance 98-788C, which moved the urban growth boundary to include the portion of urban reserve #55 inside Metro's jurisdictional boundary. Ordinance 98-788C was appealed by several parties to the Land Use Board of Appeals (LUBA), and Metro withdrew the ordinance from LUBA for reconsideration in March, 1999. By amending and readopting the original ordinance, Metro intends to gain dismissal of three appeals to LUBA.

Ordinance 99-809 amends 98-788C according to three principles:

- Revise the southern boundary of site #55 to exclude all land designated as Exclusive Farm Use (about 48 acres, in four parcels).
- Decouple linkage of conditions for approval from entire South Hillsboro Urban Reserve Plan.
- Revise conditions for approval to clarify that the city comprehensive plan will achieve at least 10-units/ net buildable acre. as provided in the urban reserve plan, and require zoning to enable affordable housing identified in urban reserve plan.

Public testimony provided arguments for and against removing the four EFU parcels from the urban growth boundary. Adequacy of transportation facilities for this area was also a concern. It was clarified that DLCD had awarded a grant to the city of Hillsboro to complete a stand-alone urban reserve plan for site #55, but had not seen indication from Hillsboro that it was prepared to take on the task of separating out this area, until recently. The plan needs to be completed by the end of June of this year. It was further clarified that nothing in this ordinance affects the portion of site #55 that was the subject of a Metro resolution, and is outside the Metro boundary.

Mr. Shaw was directed by the committee to add language in condition 6.G . that will assist those who are farming nearby, including those whose properties are involved in this ordinance, to be able to retain adequate transportation facilities necessary for their farming activities.



## METRO

DATE: May 12, 1999

TO: Metro Council  
Mike Burton, Executive Officer

FROM: *LS*  
Larry Shaw  
Office of General Counsel

SUBJECT: Proposed Revisions to UGB Amendment: Ordinance No. 98-788C

This ordinance added that portion of Urban Reserve Area 55 to the UGB that is inside Metro's jurisdictional boundary. The ordinance was appealed by four parties. The Metro Council withdrew this ordinance from LUBA for reconsideration in March, 1999. The ordinance remains adopted and on appeal. The Metro Council must "re-adopt" any amended version of the ordinance by June 17, 1999. This memo describes the approach used in the draft ordinance that is intended to clarify the UGB amendment for some of the appellants to not renew their appeal.

Three of four appellants, 1000 Friends, DLCD, and Farm Bureau, have supported the inclusion of exception lands in this area into the UGB while consistently opposing inclusion of the adjacent farm zoned lands that make up the rest of the "South Hillsboro Urban Reserve Concept Plan." The following clarifications of the December 1998 Metro ordinance should lead to dismissal of these three appeals.

- I. Principle I: Revise part of the southern UGB boundary to exclude about 48 acres zoned for Exclusive Farm Use (EFU).
  - A. Implementation Steps
    1. Adopt a new Exhibit "B" map revising the UGB northward between River Road and 247th, if necessary.
    2. Adopt a new condition of approval that requires the exception lands in the forested floodplain west of River Road retained inside the UGB to be used only for "community park" purposes as indicated on Figure A of the urban reserve plan.
  - B. Fact/Policy Basis
    1. About 48 acres in four parcels between River road and 247th are primarily Class II soils, zoned EFU.
    2. The urban reserve plan map at Figure W indicates that this 48 acres would be zoned "low-medium" density including about 15 acres for "Natural

Systems stormwater” near two small segments of creeks and floodplain near River Road.

3. The forested floodplain area west of River Road is exception land that would leave the UGB extending farther south along River Road than the revised southern boundary between River Road and 247th. This is retained to allow the urban park use designated on the urban reserve plan to serve this urban reserve area. This avoids displacing that urban park land need onto other developable lands, and applies the principle of maximizing the efficient urban use of exception lands.
4. Exclusion of these EFU lands keeps this ordinance entirely exception lands which meet the need for housing.

II. Principle II: Revise the Ordinance to clarify that adding the exception. lands inside Metro boundary to the UGB does not, necessarily, require the adoption of the rest of the “South Hillsboro Urban Reserve Plan.”

A. Implementation Steps

1. Amend ordinance conditions on transportation projects to eliminate two projects which extend east of 229th, outside the area added to the UGB by this ordinance.
2. Adopt a new condition of approval to require that development in the Gordon Creek neighborhood/main street around SE Davis-Brookwood assigned medium to high density zoning and the residential areas assigned low-medium density zoning in the urban reserve plan meet densities used in Tables 4, 11 and 13 of the urban reserve plan (use title). Therefore, the condition would require an average of at least 7 dwelling units per net acre for “low-medium density” residential areas, 22 dwelling units per net acre for “medium-high density” residential, and 29 dwelling units per acre for “mixed use high density residential” areas for the acreages listed in those tables.
3. (Approval is being prepared to adopt ordinance language to control qualifying or noncommittal language on issues other than density in the urban reserve plan.)

B. Facts/Policy Basis

1. The text of the urban reserve plan at Tables 4, 11 and 13 cites ranges of possible residential density. Within those ranges an “average density by city zone” is used in the urban reserve plan to calculate compliance with the 10 units per net acre average density requirement for urban reserves. That differs from the residential densities indicated on the various maps. A condition of approval requiring development at the “average density by city zone” in the urban reserve plan text would clarify which residential densities are indicated by the urban reserve plan and assure that residential densities meet the 10 units net/acre average density required for urban



reserves. Clarification to assure that this land is developed consistent with Tables 4, 11 and 13 would prevent disputes over later zoning that may seem consistent with another part of the conceptual urban reserve plan.

2. Residential density is particularly important for urban reserves for the Hillsboro Regional Center Area to address the jobs/housing balance issue.
3. The two transportation projects that extend outside the Metro boundary limits of this ordinance are an error caused by the extremely short turn around from Metro receipt of this urban reserve plan report.
4. The main street area of the Gordon Creek neighborhood is estimated in the urban reserve plan to accommodate about 100 commercial retail jobs.
5. A recalculation for just the exception lands in this revised ordinance using the residential densities in Tables 4, 11 and 13 yields about 1,648 dwelling units on about 145.5 net acres. This is in addition to areas for a "community park," "neighborhood park," police and fire station and elementary school and natural storm water treatment (on unbuildable lands).
6. This area, at about 11 units/net developable acre, is slightly more dense than the 10 units for the entire urban reserve plan area.

III. Principle III: Revise the ordinance to require adoption of zoning districts that demonstrate the achievement of at least 10 units per net buildable acre in the urban reserve plan. Revise the ordinance as well to require adoption of zoning to enable affordable housing identified in the urban reserve plan.

A. Implementation Step: Adopt a new condition that requires zoning for the residential components of the residential program in Table 12 of the urban reserve plan designed to enhance affordability.

B. Fact/Policy Basis

1. Table 12 identifies percentages of housing products by acres and percentage of units for all of First Tier's estimated 2,100 dwelling units.
2. The text of the urban reserve plan at p. 138 identifies multi-family rentals in higher density zones as a means for meeting the need for affordable housing. The location of the higher density zones around the intersection of Brookwood and SE Davis provide the opportunity for efficient transit service to that location of multi-family housing.
3. Table 12 shows 20 acres of apartments and 15 acres of "senior housing," 10% and 7% of the First Tier land, respectively. Together these "residential components" provide 42% of the units for the First Tier area.
4. The ordinance area is less than the First Tier area. The ordinance area provides 1,648 units. Requiring apartment and senior housing to be zoned in the high density areas to provide 42% or 692 units in these categories would be consistent with the urban reserve plan.

M E M O R A N D U M

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METRO

DATE: May 10, 1999  
TO: Larry Shaw, Office of General Counsel  
FROM: Tom Kloster, RTP Project Manager *TK*  
SUBJECT: RTP Strategy for TV Highway: Consistency with UGB Conditions

\* \* \* \* \*

Background on RTP Strategy for TV Highway

As you requested, the following is a discussion of Metro's strategy for addressing expected traffic growth on TV Highway during the 20-year RTP planning period.

Over the past several years, and in both the Federal RTP and current updates, TV Highway becomes very congested in our 20-year modeling due to expected growth in Washington County. TV Highway provides a very direct link between Beaverton and Hillsboro, and thus will continue to be in great demand as a travel route, despite existing and forecasted congestion.

In the past, the simple solution to future congestion on TV Highway has been to expand the facility from the current five-lane profile (four travel lanes and one center turn lane) to a total of seven lanes (six travel lanes and one center turn lane). This expanded roadway has been modeled in the past, however, and continued to suffer from congestion -- again, because TV Highway is a very desirable travel route between two regional centers.

In the summer of 1998, the first round of RTP modeling was completed, and included a number of parallel road improvements in the TV Highway corridor, such as Alexander Street, Walker, Farmington and Cornell Roads that added capacity for local trips, but stopped short of actually widening TV Highway itself. This strategy was not adequate to meet expected demand, and planners from Washington County suggested that the seven-lane improvement be evaluated in a second round of modeling.

However, because the seven-lane improvement had previously been modeled with mixed results, Metro staff recommended that the functional classification of TV Highway in the RTP be factored into the ultimate design. As a "principal arterial", the classification of TV Highway calls for a facility that primarily serves longer trips. Today, the roadway does not serve this function, largely because of the large number of driveways and local access points that connect to the roadway, and the strip commercial development that draws local traffic to TV Highway.

Therefore, to better approximate the "principal arterial" function, staff recommended that a limited access highway, akin to Highway 224 in Clackamas County, be assumed for TV

Highway. This assumption meant much more capacity per lane than a general purpose arterial street could accommodate, and obviously would mean dramatic land use changes, since driveway access would be phased out over time. The purpose of modeling this scenario was to determine the relative transportation merits of this strategy to better facilitate a policy discussion of its land use impacts and cost. Ultimately, a six-lane "highway" design was tested, assuming such a limited access design, in the second round of RTP modeling with promising results:

- congestion was essentially eliminated between Murray Boulevard and Brookwood Avenue, where the six-lane, limited access design was tested. This segment performed at a level of service "D" during the peak two-hour period in our 2020 modeling;
- the segment of TV Highway east of Murray, in the Beaverton Regional Center, was very congested, despite a seven-lane arterial improvement that was tested between Murray and Cedar Hills Boulevard. This segment was not access-controlled, and performed at a level of service "F" during the peak two-hour period;
- the segment of TV Highway west of Brookwood, near the Hillsboro Regional Center, was very congested. This segment was not access controlled, and was modeled with the existing 5-lane capacity that performed at a level of service "F" during the peak two-hour period.

The modeling results support the concept of retaining the "principal arterial" functional classification for the portion of TV highway that was modeled with limited access, while changing the functional classification for the segments west of Brookwood and east of Murray to "major arterial." The major arterial classification is expected to serve a more localized role, and this is more consistent with the sort of travel that is expected in close proximity to the Hillsboro and Beaverton regional centers, where these segments are generally located. In contrast, the principal arterial classification is intended to serve longer trips -- in this case, traffic between the two regional centers.

The limited access concept for TV Highway would likely be phased in over time, beginning with localized safety and capacity improvements at major intersections, and continued access management along the full length of the roadway. Eventually, access would likely be consolidated or eliminated as part of a major road widening project.

At this time, staff has recommended that a more detailed corridor study be conducted as part of implementing the updated RTP. Different options for achieving a limited-access design will be evaluated for TV Highway in the more detailed study. Such a corridor study is designed to include three or four options, varying in cost and scope. This process would be conducted prior to any improvements to the facility, or any further actions to limit access or commercial uses along the route.

The RTP is scheduled for public review and adoption in the Fall, and local comprehensive plans in the region must be updated for consistency with the RTP within one year of that date.

#### RTP Assumptions for Urban Reserve Area 55 in the TV Highway Corridor

In response to your question about RTP assumptions for urban reserves, the following are some highlights of the 2020 forecast that we are using in the RTP update, and the relationship of these forecasts to improvements planned in the TV Highway corridor.

The current phase of the RTP update is focused on developing a system of transportation improvements and programs that respond to dramatic growth expected in the region during the 20-year RTP planning period. During this time, growth is expected in both the existing urban area, where a large increase in jobs and housing is predicted to occur, and in urban reserves that are largely undeveloped today. The 2020 forecast used to measure the impact of this growth on the transportation system also included some urban reserves, with the assumption that they will be largely developed by 2020. This assumption included all of the exception land in Urban Reserve Area 55, south of TV Highway.

Most of the urban reserves are located in Clackamas County, with some located in Washington County. In the TV Highway corridor, expected growth in the urban reserves generally located south of Hillsboro will contribute to traffic growth in the area, but this is not the driving force behind the general traffic growth expected in this part of the region. Instead, travel demand in this area is driven by (1) a combination of new jobs and housing within the current urban area of Washington County, and (2) trips into this job-rich part of the region from points east.

Therefore, proposed improvements to TV Highway are largely in response to growth pressures stemming from other parts of Washington County and the region. However, transportation improvements in the TV Highway corridor, including a number of parallel route improvements, anticipate development in the Urban Reserve 55 exception lands, as well.

#### UGB Amendment Conditions

The transportation infrastructure that was proposed in the urban reserve plan for south of Hillsboro appears consistent with the overall strategy for improving TV Highway to a "principal arterial" function through progressive capacity and access measures. Though these improvements will continue to be fine-tuned to match the regional improvements to TV Highway through the final stages of the RTP update, they appear to be sufficient to serve expected growth in the area.

The conclusions in the November 22, 1998 memorandum from Mike Hogle regarding the concept plan for Urban Reserve 55 are also consistent with the comments that I have provided in this correspondence. In general, the consultant report completed for the Hillsboro South Urban Reserve Concept Plan addresses the review criteria and meets their spirit and intent of regional plans and policies, as detailed in the Hogle memorandum, and therefore substantially complies with the transportation criteria intended to satisfy Section 3.01.012 (e) (8) of the Metro code. It appears from the consultant's analysis that the overall impact to the regional transportation system will be minimal given the assumed mix of land uses and densities, and given the recommended on- and off-site transportation improvements. This is consistent with RTP analysis and conclusions for the larger TV Highway Corridor. However, this conclusion is based on the assumptions used in the consultants report, and the following should be considered prior to full development of the site:

1. Regional street classifications should be revised to be consistent with the RTP.
2. Commuter Rail in the Hillsboro-Beaverton corridor and the proposed street car should be dropped as assumptions. There are no plans for east-west commuter rail in the T-V Highway Corridor nor street car services in this area within the next 20 years. The small number of commuter-rail trips assumed for those modes should be applied to other modes.
3. The mix of land uses and densities are critical in achieving the estimated reduction in trips. Those features must be maintained as the land further planned, zoned, and developed.

4. Similarly, street connectivity at 10-16 connections per mile, as currently required in Title 6 of Metro's Functional Plan, and used in the report are also imperative in achieving trip, vehicle miles of travel, and congestion reductions within the vicinity.
5. Additional east-west arterial and collector improvements are necessary in the larger TV Highway corridor. In particular, the report makes a strong case for the Davis/Blanton Road improvement.
6. The City of Hillsboro should work with Tri-Met to develop a transit implementation plan to be phased in as development occurs.

*Agenda Item Number 9.1*

**Resolution No. 99-2783, For the Purpose of Authorizing and Entering Into a Cooperative Agreement with the Oregon Parks Foundation to Acquire and Manage Funds for the Construction and Operation of the Diack Nature Center at Oxbow Regional Park.**

**Metro Council Meeting  
Thursday, June 17, 1999  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENTERING INTO A ) RESOLUTION NO. 99-2783  
COOPERATIVE AGREEMENT WITH THE )  
OREGON PARKS FOUNDATION TO ACQUIRE )  
AND MANAGE FUNDS FOR THE CONSTRUCTION )  
AND OPERATION OF THE DIACK NATURE ) Introduced by  
CENTER AT OXBOW REGIONAL PARK ) Mike Burton, Executive Officer

WHEREAS, In July 1992, through Resolution 92-1637, the Metro Council adopted the Metropolitan Greenspaces Master Plan that identifies a desired regional system of parks, natural areas, trails and greenways for fish, wildlife and people; and

WHEREAS, The Metropolitan Greenspaces Master Plan encourages building environmental awareness through coordinated programs of information, technical advice and environmental education so that citizens become active and involved stewards of natural areas; and

WHEREAS, In December 1997, through Resolution 97-715B, the Metro Council adopted the Regional Framework Plan; and

WHEREAS, The Regional Framework Plan recognizes environmental education as a tool to enhance understanding, enjoyment and informed use of natural, cultural and recreational resources in the region; and

WHEREAS, In October 1997, through Resolution 97-2553A, the Metro Council adopted the Oxbow Regional Park Master Plan; and

WHEREAS, The Oxbow Regional Park Master Plan identifies environmental education and natural resource interpretation as a major feature of the park visitor experience; and

WHEREAS, The Oxbow Regional Park Master Plan calls for the construction of an environmental education facility; and

WHEREAS, The Oxbow Regional Park Master Plan calls for the environmental education facility be named in honor and commemoration of the Diack family for their contributions to the creation of Oxbow Regional Park, the protection of the Sandy River Gorge and the philanthropic support of environmental education; and

WHEREAS, In Resolution 97-2553A the Metro Council requires that the total cost for construction of the environmental education facility come from grants and donations; and

WHEREAS, The Oregon Parks Foundation seeks the statewide growth and development of parks that provide outdoor recreation and education in a protected natural setting; and

WHEREAS, The Oregon Parks Foundation and Metro place a high priority on providing educational opportunities that enhance the understanding, enjoyment and informed use of the region's natural resources; and

WHEREAS, On March 31, 1999, the Oregon Parks Foundation unanimously approved an agreement with Metro (Exhibit A) to work cooperatively for the purpose of procuring and managing funds for the construction and operation of the Diack Nature Center at Oxbow Regional Park; and

WHEREAS, On April 6, 1999, the Metro Regional Parks and Greenspaces Advisory Committee recommended Metro Council approval of the cooperative agreement between Metro and the Oregon Parks Foundation; now, therefore,

BE IT RESOLVED

1.) That the Metro Council hereby authorizes the Metro Executive Officer to enter into a cooperative agreement with the Oregon Parks Foundation (Exhibit A) for the purpose of procuring and managing funds for the construction and operation of the Diack Nature Center at Oxbow Regional Park.

ADOPTED by the Metro Council on this \_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_

Rod Monroe, Presiding Officer



## **Metro and the Oregon Parks Foundation Memorandum of Understanding**

The Oregon Parks Foundation (OPF) is a nonprofit, tax exempt corporation under Section 501(c)(3) of the Internal Revenue Code and Oregon law. Among its goals, OPF:

- ◆ Seeks the statewide growth and development of parks that provide outdoor recreation and education in a protected natural setting;
- ◆ Accepts donations of property, funds or securities (designated for parks) that fulfill the goals of OPF;
- ◆ Assists in fundraising, publicity, record keeping, community organization and response to donors through related publicity or memorials;
- ◆ Advises and assists prospective donors in search of desirable programs and projects to fund and support.

Metro is a Metropolitan Service District and home rule charter unit of local government under Oregon law. Among other assigned responsibilities, Metro is authorized to exercise functions including "...acquisition, development, maintenance and operation of...a system of parks, open spaces and recreational facilities of metropolitan concern..."

Metro and OPF each place a high priority on providing educational opportunities that enhance the understanding, enjoyment and informed use of our natural resources. Metro and OPF also desire to recognize the numerous contributions of the Diack Family in support of the mutual goals and objectives of both parties by constructing the Diack Nature Center at Oxbow Regional Park to serve schools, volunteers and citizens of the region.

Metro and OPF also desire to work cooperatively for the purpose of raising funds for design, construction and operations endowment of the Diack Nature Center at Oxbow Regional Park. Raising the funds necessary to build and operate a nature center at Oxbow Regional Park will require a sound, carefully planned strategy. A cooperative effort between Metro and OPF to develop and implement a fundraising strategy for the environmental education facility will help assure the successful completion of this project.

Accordingly, Metro and OPF enter into this Memorandum of Understanding, setting forth a legally non-binding statement of their objectives and intentions. Metro and OPF agree to work cooperatively for the purpose of procuring and managing funds for the construction and ongoing operation of the Diack Nature Center at Oxbow Regional Park by methods and cooperative efforts that include, without limitation, the following:

- 1) Representatives of Metro and OPF will serve on the Diack Nature Center Steering Committee to direct the facility design and fundraising activities for the nature center construction. Metro and OPF may recruit other members to serve on the committee.

## EXHIBIT A

- 2) Metro and OPF representatives will work together to complete preliminary plans for the Diack Nature Center at Oxbow Regional Park. The plans will include final floor plans, elevation drawings, architectural themes and narrative. Based on the preliminary plans, cost estimates will be developed for construction of the facility and an endowment fund to support at least one ecology education staff position and general facility maintenance. Metro may fund these design services from the existing Metro Nature Center Trust Account or an outside financial resource.
- 3) Metro and OPF shall mutually agree to a fundraising target amount for construction and endowment based on the outcome of the preliminary design of the Diack Nature Center at Oxbow Regional Park.
- 4) OPF will create and manage a separate trust account called the Diack Nature Center Fund to receive, hold in trust and manage grants funds and other donations for the Diack Nature Center at Oxbow Regional Park. Expenses associated with management of the trust account shall be paid from resources in the account.
- 5) Metro will contract for professional fundraising services to develop and write a strategic fundraising plan for the nature center. Metro may fund the plan development from the existing Metro Nature Center Trust Account or an outside financial resource. The Diack Nature Center Steering Committee will participate in plan development. Metro and the OPF will have an opportunity to review and approve the plan.
- 6) Metro and OPF will implement the strategic fundraising plan according to the roles and responsibilities identified in the plan.
- 7) OPF and its board members will be encouraged to make a donation in support of the Diack Nature Center at Oxbow Regional Park.
- 8) OPF and its board members will assist in identifying and contacting potential donors to the Diack Nature Center at Oxbow Regional Park.
- 9) Metro will be responsible for the design and production of fundraising materials including, without limitation fact sheets, donor envelopes and letterhead stationery. OPF will have the opportunity to review and approve the fundraising outreach materials.
- 10) OPF will be acknowledged for its cooperative efforts with Metro in printed materials, promotions and events in support of the fundraising campaign for the Diack Nature Center at Oxbow Regional Park. The OPF also will be acknowledged as part of the donor recognition at the nature center facility.
- 11) Metro will be responsible for writing grant requests for the Diack Nature Center at Oxbow Regional Park.
- 12) Representatives of OPF will assist Metro in making funding request presentations to select foundations, corporations and other potential funding organizations.
- 13) Upon completion of the strategic fundraising plan objectives, OPF shall transfer the Diack Nature Center Fund to Metro to hold for the exclusive purpose of the construction and operation of the Diack Nature Center at Oxbow Regional Park. Following such transfer, OPF shall have no further obligation with respect to the construction and operation of the Diack Nature Center at Oxbow Regional Park.

**EXHIBIT A**

Approved by the Oregon Parks Foundation this \_\_\_\_\_ day of \_\_\_\_\_ 1999.

\_\_\_\_\_

Jack Brown, President

Approved by Metro this \_\_\_\_\_ day of \_\_\_\_\_ 1999.

\_\_\_\_\_

Mike Burton, Metro Executive Officer

Approved as to form:

\_\_\_\_\_

Daniel B Cooper, Metro General Counsel

## STAFF REPORT

### **CONSIDERATION OF RESOLUTION NO. 99-2783 FOR THE PURPOSE OF ENTERING INTO A COOPERATIVE AGREEMENT WITH THE OREGON PARKS FOUNDATION TO ACQUIRE AND MANAGE FUNDS FOR THE CONSTRUCTION AND OPERATION OF THE DIACK NATURE CENTER AT OXBOW REGIONAL PARK**

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Date: April 22, 1999

Presented by: Ron Klein

#### BACKGROUND AND ANALYSIS

Oxbow Regional Park has a long history of providing visitors quality nature and environmental education programming. Metro Regional Parks and Greenspaces currently conducts a successful interpretive and education activities at the park that reach over 7,000 people each year. As much as possible, the programming puts people in direct contact with nature. However, when indoor facilities are required (e.g. preparation for outdoor activities, slide shows, displays, nature crafts, labs, getting out of inclement weather), staff make the best of it with makeshift arrangements in the park maintenance shop and vehicle bay or an unoccupied picnic shelter.

There has always been a need at Oxbow Regional Park for indoor space to support a growing and successful environmental education program. The Oxbow Regional Park Master Plan recognizes this need and calls for a nature center facility that will improve the program experience for people and allow increased program capacity. Metro Council approved the master plan in October 1997 with the requirement that funds for the nature center come from private sources.

The Oregon Parks Foundation (OPF) and Metro share a strong commitment to providing educational opportunities that enhance the understanding, enjoyment and informed use of the region's natural resources. Working cooperatively with OPF will provide important support to Metro in developing the final plans for the nature center and fundraising activities.

At a July 7, 1998 board meeting of OPF, Metro Regional Parks and Greenspaces staff introduced the concept of a cooperative effort to raise funds for the construction and operation of the nature center. On March 4, 1999, Metro parks staff submitted a proposal (Attachment 1) to OPF describing the nature center project and the elements of a cooperative agreement between Metro and OPF. An agreement between Metro and OPF was unanimously approved by the OPF board on March 31, 1999, subject to Metro Council approval.

## BUDGET IMPACT

Metro labor supporting the development and implementation of the strategic fundraising plan, production of the final concept and design plans, production of fundraising printed materials and coordination of fundraising activities will be done with existing staff. The proposed FY 99-00 budget reflects costs associated with the above expenses.

Expenses for professional services (fundraising, architect and facility planning services) will be paid from the Regional Parks Trust Fund, Oxbow Park Nature Center account. The current balance of the Oxbow Park Nature Center account is approximately \$231,000. Expenses for FY 99-00 are estimated at approximately \$30,000. These funds are adequately appropriated in the FY 99-00 adopted budget.

Direct expenses associated with the management of the Diack Nature Center Fund held by OPF will be paid from that account.

## STAFF RECOMMENDATION

Staff recommends that Metro Council authorize the Metro Executive Officer to enter into a legal, non-binding, cooperative agreement (Exhibit A) with the Oregon Parks Foundation for the purpose of acquiring and managing funds for the construction and operation of the Diack Nature Center at Oxbow Regional Park. Representatives of Metro and OPF will serve on the Diack Nature Center Steering Committee and direct the facility design and fundraising activities.

OPF will establish the Diack Nature Center Fund to hold in trust and manage grant funds and other donations. Metro will take the lead in implementing the fundraising plan with assistance from OPF.

## EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 99-2783.

# The Diack Nature Center at Oxbow Regional Park

*A Partnership Proposal to the  
Oregon Parks Foundation*

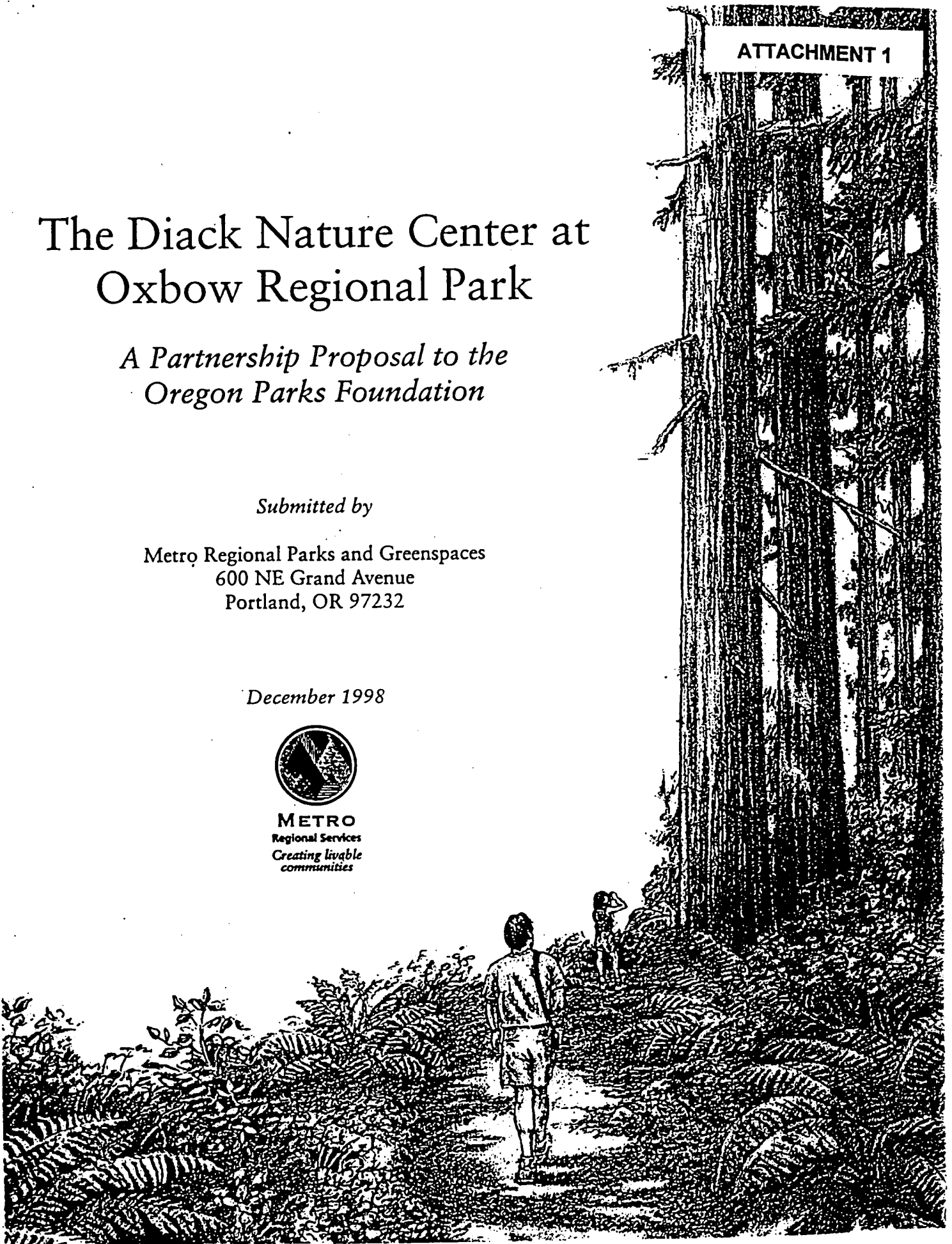
*Submitted by*

Metro Regional Parks and Greenspaces  
600 NE Grand Avenue  
Portland, OR 97232

*December 1998*



**METRO**  
Regional Services  
*Creating livable  
communities*



# **THE DIACK NATURE CENTER AT OXBOW REGIONAL PARK**

## **A Partnership Proposal to the Oregon Parks Foundation**

Oxbow Regional Park needs an environmental education facility. The Metro Regional Parks and Greenspaces Department conducts a successful interpretive and education program at the park that reaches over 7,000 people each year. As much as possible, the programming puts people in direct contact with nature. However, when indoor facilities are required to prepare for outdoor activities, present slide shows and displays or conduct nature craft and laboratory activities, arrangements to get indoors are difficult at best. Currently, park naturalist staff must utilize space in the park maintenance area to conduct the indoor portions of environmental education activities.

A nature center facility would improve the program experience for people and allow increased program capacity. A quality environmental education facility at Oxbow Regional Park would serve schools, volunteers and visitors contribute to the development of an involved and informed citizenry for the protection and sustainable management of the region's natural resources.

The nature center is also a special opportunity to honor Arch and Fran Diack, longtime friends of Oxbow Regional Park and the Sandy River. Their generous commitment to environmental education and extraordinary stewardship of the Sandy River Gorge will be the foundation and the heart of the Diack Nature Center.

### **The Oregon Parks Foundation and Metro in Partnership**

The Oregon Parks Foundation and Metro share a goal of providing educational opportunities that enhance the understanding, enjoyment and informed use of our natural resources. The construction and operation of a nature center at Oxbow will contribute to achieving this goal. Raising the funds necessary to build and operate a nature center at Oxbow Regional Park will require a sound, carefully planned strategy. A partnership between the Oregon Parks Foundation and Metro to develop a conceptual design and fundraising plan for the facility and a joint commitment to carry out the plan will help assure the successful completion of this vital project.

The following are elements of a proposed partnership between the Oregon Parks Foundation (OPF) and Metro to raise funds to design, construct and operate the Diack Nature Center at Oxbow Regional Park:

- 1) The OPF and Metro will work together to complete preliminary plans for the Diack Nature Center. The plans will include final floor plans, elevation drawings, architectural themes and narrative. Metro will fund the design services from the existing Nature Center Trust Account or other resources.
- 2) Based on the preliminary plans, cost estimates will be developed for construction of the facility and the creation of an endowment fund for its operation. Proceeds of the endowment fund will support facility maintenance and a staff position for ecology education. The general cost of the project (construction and endowment) is currently estimated to be in the range of \$1.7 to \$2.5 million.

- 3) Under the leadership of a professional fundraising consultant (selected by the OPF and Metro), a strategic fundraising plan will be written with the involvement of the OPF and Metro. Metro will fund the fundraising planning services from the existing Nature Center Trust Account or other resources.
- 4) The OPF and Metro will implement the strategic fundraising plan according to the roles and responsibilities identified in the plan.
- 5) The OPF will create and manage a separate trust account(s) to receive, hold and manage grants and donations for the Diack Nature Center at Oxbow Regional Park. Expenses associated with management of the trust account(s) shall be paid from resources in the account(s).
- 6) The details and provisions of the partnership between the OPF and Metro shall be expressed in writing and approved by the appropriate authority of each partner.

### **Arch and Fran Diack – Friends of the Sandy River**



The Sandy River remains a special place today because of the extraordinary efforts of Arch and Fran Diack. Arch and Fran's love affair with the Sandy River began in 1941 when they purchased 288 acres in the Sandy River Gorge with Arch's brother, Sam.

By the mid 1960's Arch and Fran had recognized the special nature of the Sandy River Gorge and its growing importance to the ever expanding population of the City of Portland. When Multnomah County began developing Oxbow Park, Arch and Fran provided momentum to the effort by donating 11 acres for inclusion in the Park.

In 1970, Arch and Fran donated 200 acres to the Nature Conservancy creating the conservation group's second nature preserve in Oregon and the foundation for the Sandy River Preserve which today encompasses 600 acres between Dodge and Oxbow parks.

With encouragement from Arch and Fran, Governor Tom McCall designated a 12-mile segment of the Sandy River a component of the State's fledgling Scenic Waterway System in 1973. The stretch of the Sandy River between Dodge Park and Dabney State Park remains the only Oregon Scenic Waterway designated by gubernatorial proclamation.

Arch and Fran were not content. They realized that conservation of the Sandy River's unique attributes would ultimately depend on an informed citizenry. So beginning in the mid 1970's and for the next 25 years, they provided scholarships to Reed College students to pursue natural resource related research in the Sandy River Gorge. Concurrently, Arch helped to bring a similar educational focus to the Oregon Parks Foundation on a statewide basis. Today, the Foundation continues to provide grants to public agencies, private organizations and schools around the State, which enhance appreciation and understanding of our natural world.

Prior to Arch's death in 1993, he and Fran once again demonstrated their life long commitment to environmental education by creating the Diack Ecology Education Fund. Through the Diack's



generous contribution, the Ecology Education Fund is endowed to provide financial assistance to efforts which enhance our youth's understanding of nature by putting them in direct contact with it. The Oregon Parks Foundation administers the Diack Ecology Education Fund for the benefit of students and ecology throughout Oregon.

### **The Diack Nature Center at Oxbow Regional Park**

There is a serious need at Oxbow Regional Park for indoor space to support a growing and successful environmental education program. A nature center facility will improve the program experience for people and allow increased program capacity. A quality environmental education facility at Oxbow Regional Park will serve schools (60 schools within 10 miles of the park), volunteers and visitors in building an involved and informed citizenry for the protection and sustainable management of the region's natural resources.

The Oxbow Regional Park Master Plan calls for a nature center to be located adjacent to the Sandy River and ancient forest in the vicinity of the existing Group Picnic Area A. This site was selected because of its easy access to the park's natural resources, the ability to easily accommodate outdoor and indoor learning activities and its central location among other parks amenities.

Tentative plans for the nature center include class and meeting rooms, exhibit space, natural history reference library, office space and a gift shop. A special feature associated with the nature center will be the development of a barrier-free interpretive trail in the adjacent ancient forest. This short (1/8 to 1/4 mile) loop trail will provide visitors an introduction to the natural setting of Oxbow Regional Park and the unique qualities of the Pacific Northwest's temperate forests. The master plan proposes a 4,900 square foot building, but the final floor plan and dimensions will be determined in a final design process. Estimated cost of the center as proposed in the master plan is about \$1.5 million. *Illustration #1 shows the preliminary site plan from the adopted master plan.*

Arch and Fran Diack have had a long association with Oxbow Regional Park, the Sandy River and were strong advocates of ecology education. The Diack Nature Center at Oxbow Regional Park will be a fitting and lasting tribute to their natural resource conservation efforts. The facility and its ongoing education programs will help visitors develop a deeper understanding and appreciation of the natural world that results in a greater sense of stewardship.

The Diack Nature Center will complement other nature centers and interpretive facilities in the region. The Nature Center at Tualatin Hills Nature Park in Beaverton, Environmental Learning Center at Clackamas Community College, Nature House at Tryon Creek State Park, Audubon House in Portland and the planned nature center at Jackson Bottom in Hillsboro serve environmental education needs in various areas of our growing region. The Diack Nature Center will provide similar opportunities in the eastern reaches of the metropolitan area.

## **BACKGROUND INFORMATION**

### **The Geography of the Sandy River and Oxbow Regional Park**

The Sandy River is located on the western slope of the Cascade mountain range in Clackamas and Multnomah counties. Along with its tributaries, the Sandy drains an area of 508 square miles. From its headwaters on Mt. Hood, the river flows about 55 miles west and north to its confluence with the Columbia River. Oxbow Regional Park is located in the lower quarter of the watershed between river miles 10 and 13.

Oxbow Regional Park lies in the geographic heart of the Sandy River Gorge. The natural beauty and pristine values of the river were formally recognized in 1973 when Governor Tom McCall included 12.5 miles of the Sandy River between Dodge Park and Dabney State Park in the state's Scenic Waterway Program via gubernatorial proclamation. In 1988, the same stretch of river received the national designation of Wild and Scenic River. Oxbow Regional Park encompasses 3.6 miles of the scenic Sandy River.

Located about 8 miles east of Gresham Oregon, the 1,040-acre Oxbow Regional Park offers visitors an opportunity to experience the unique attributes that led to the state and federal recognition of the Sandy River. Steep, forested slopes give way to a meandering Sandy River forming "oxbows" that open onto large gravel bars, shallow riffles and floodplain. This is the unique natural setting of Oxbow Regional Park.

### **The Nature of Oxbow Regional Park**

An ancient forest of western hemlock, Douglas fir and western red cedar cover about 160 acres of Oxbow Regional Park. The 300+ year old trees offer a rare opportunity for visitors to explore a Pacific Northwest temperate forest and its associated plants and wildlife – within 25 miles of the Oregon's largest urban center. The park also contains younger forests of Douglas fir as well as deciduous woodlands dominated by red alder and bigleaf maple. Extensive flood plain and riparian areas support black cottonwood, red alder, willow and Oregon ash.

Oxbow Regional Park and the Sandy River Gorge provide habitat for an abundance of fish and wildlife. Winter, spring and fall runs of salmon and steelhead spawn in the glacier-fed, oxygen-rich waters of the Sandy River. Wildlife such as osprey, bald eagles, kingfishers, mergansers, otter and mink take advantage of the abundant fish. Deer, bear, cougar, elk, beaver, fox and a variety of songbirds also make the area their home.

Oxbow Regional Park is naturally inviting to people in the Portland metropolitan region. Over 250,000 people visit the park each year to enjoy camping, fishing, swimming, picnicking, hiking and nature study. *Illustration #2 shows the current configuration of the park.*

## **Management and Protection of Oxbow Regional Park**

Oxbow Regional Park is a key access point to the Sandy River Gorge. Taking steps to protect and manage the area for the benefit of fish, wildlife and people will assure that future generations will enjoy high quality opportunities to experience the park, the river and its many natural features. Environmental education is an important element in meeting this objective.

Oxbow Regional Park is made up of properties owned by the Bureau of Land Management, Oregon Department of Fish and Wildlife and Metro. Metro, through its Regional Parks and Greenspaces Department, operates and maintains the park. In addition, the YMCA, The Nature Conservancy and other private parties own land adjacent to the park.

In support of the Sandy River Wild and Scenic River Management Plan, Metro is acquiring additional properties. With funds from the Open Spaces, Parks and Streams bond measure approved by voters in May 1995, Metro is working to acquire an additional 900 acres within the Sandy River Gorge. To date, 736 acres have been purchased to meet this goal. Land acquisitions made by Metro are primarily for the purposes of protecting fish, wildlife and scenic resources, and water quality.

## **Oxbow Regional Park Master Plan**

In October 1997, Metro Council approved the Oxbow Regional Park Master Plan, which will guide the future development and management of the park. Since 1963, the park has provided outdoor recreation and learning opportunities without substantial improvements to the infrastructure. The existing facilities have exceeded their useful life expectancy and it is now necessary to upgrade roads, trails and other park facilities to continue providing safe, high quality outdoor recreation experiences for visitors.

The Master Plan management objectives include:

- ◆ Expand Metro role in the management of the Sandy River Gorge in cooperation with other public and nonprofit conservation agencies.
- ◆ Manage approximately 90% of the park to support fish and wildlife resources
- ◆ Manage approximately 10% of the park to enhance the visitors experience in activities such as picnicking, hiking, camping, river access, fishing and environmental education.
- ◆ Manage the ancient forest for wildlife, access to nature and environmental education.

The master plan identifies the following park improvements:

- ◆ **Build an environmental education center to improve and expand environmental education and interpretive programming.**
- ◆ Restore and reconstruct the park trail system.
- ◆ Realign the road system and reallocate parking to improve safety, aesthetics and efficient use of limited developable land.
- ◆ Upgrade water and electric utilities.
- ◆ Replace pit toilets with flush toilets in the primary use areas.
- ◆ Renovate the park entrance to include a public restroom and visitor orientation.
- ◆ Upgrade the boat ramp.
- ◆ Renovate campground facilities and reopen overnight campsites.
- ◆ Reconfigure group picnic areas.

### **Environmental Education at Oxbow Regional Park**

For many years, educational programs and activities about the plant communities, fish and wildlife of the Sandy River Gorge have involved thousands of visitors to the park. The primary purpose of engaging people in outdoor learning activities is to build a better understanding and appreciation of natural resources and to foster a stewardship ethic. Metro also is committed to providing environmental education opportunities for citizens to increase their understanding of how natural resource management decisions affect environmental quality and the livability of the region.

Environmental education and interpretive programs currently are carried out by 2½ Metro Regional Parks staff with support from a team of volunteer naturalists. In recent years, Metro has focused its efforts to improve the quality of educational activities in content and time spent with individuals. Although the number of people involved in these activities (about 7,400 per year) has remained steady recently, the hours spent by each person has increased from 1.4 hours in 1990 to 3.3 hours in 1997. The capacity to serve more people now seems to be limited by the existing park facilities.

Participants in the programs include members of the general public as well as organized groups and school groups. Whenever possible, learning is done in direct contact with nature. A variety of programs and activities are offered including summer campfire programs, natural history classes (e.g. wildlife watching, animal tracking, plant identification), nature crafts, salmon viewing walks, sensory awareness skills, and school field trips emphasizing ancient forests, wetlands and salmon biology. *Illustration #3 shows use trends of Metro-hosted environmental education programs.*

## **Environmental Education Plan at Oxbow Regional Park**

Oxbow Regional Park features a glacial-fed river, spawning salmon, an ancient forest and the community of life dependent on these natural characteristics. The Environmental Education Plan focuses on these natural features and includes activities for park visitors that are entertaining and informative. The following environmental education and interpretive themes outline proposed subjects for learning at the proposed Diack Nature Center.

### **River**

- ◆ Oxbow Regional Park is the heart of the Sandy River Gorge, where the river meanders to connect forest, fish, wildlife and people.
- ◆ The drinking water for most City of Portland residents originates within the 508 square mile watershed of the Sandy River.
- ◆ The wild and free flowing Sandy River is part of an intricate web of life.
- ◆ The special qualities of the Sandy River are nationally recognized in its designation as a National Wild and Scenic River.

### **Ancient Forest**

- ◆ Oxbow Regional Park's ancient forest is a remnant pocket of habitat for a unique array of life that live together in interesting relationships.
- ◆ A Pacific Northwest ancient forest can be recognized by the presence of certain physical characteristics.

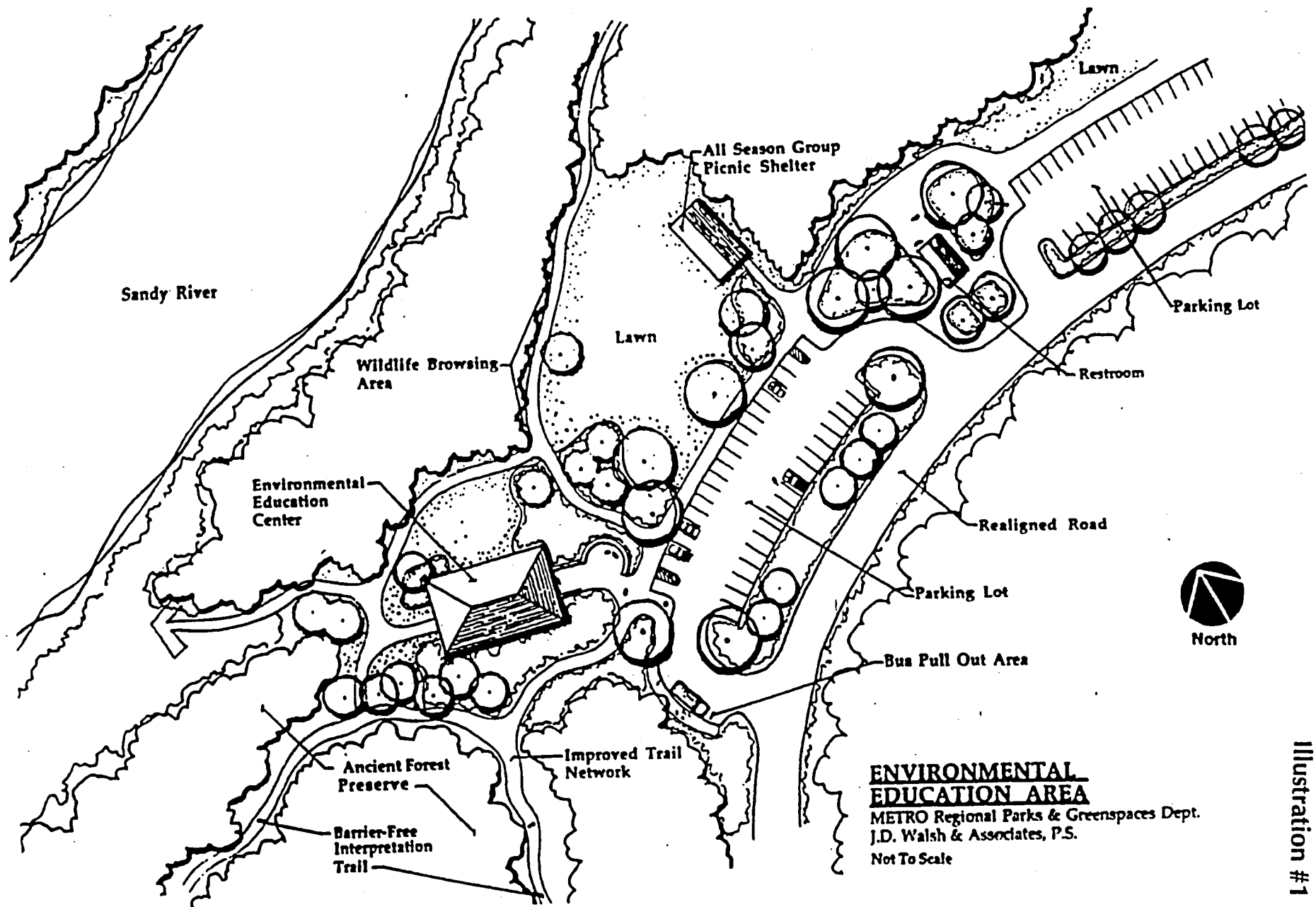
### **Salmon**

- ◆ Salmon serve as barometers of watershed health.
- ◆ In an age-old cycle, fall Chinook salmon return to their spawning grounds within Oxbow Regional Park bringing nutrients as they link ocean to river to forest.
- ◆ There are several physical characteristics of the Sandy River that are critical to survival of salmon.

### **Wildlife**

- ◆ Oxbow Regional Park habitat provides homes to a wide variety of wildlife.
- ◆ Tracks and traces reveal the secret lives of animals.
- ◆ People and wildlife have been coming to Oxbow Regional Park for thousands of years.
- ◆ Oxbow Regional Park's plant, fish and wildlife occupants are a valuable part of Oregon's heritage and are protected by laws.

*Illustrations by Evelyn Hicks*



**ENVIRONMENTAL  
EDUCATION AREA**  
 METRO Regional Parks & Greenspaces Dept.  
 J.D. Walsh & Associates, P.S.  
 Not To Scale

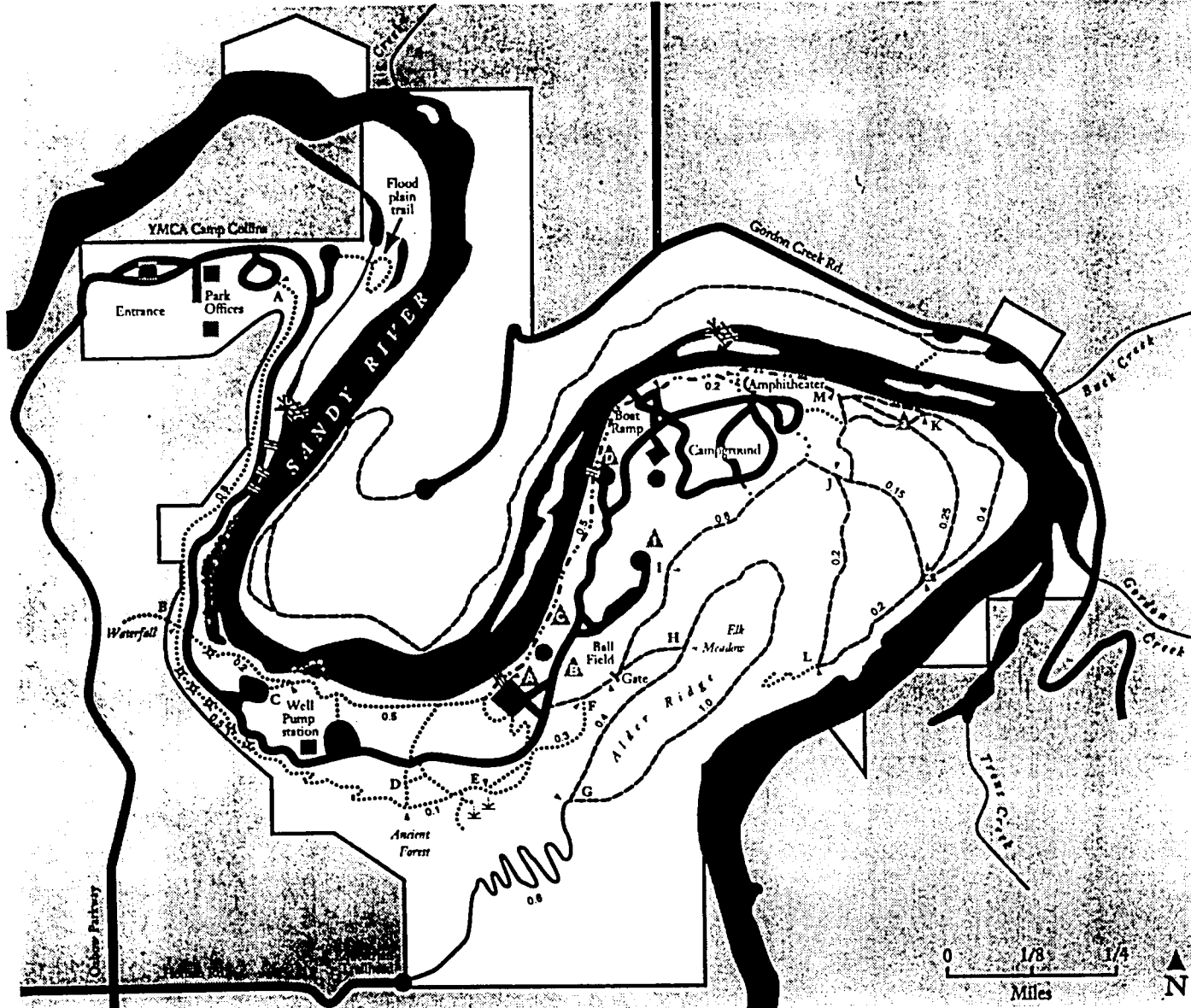
Illustration #1



Metro  
Regional  
Parks and  
Greenspaces

# Oxbow Regional Park

3010 S.E. Oxbow Parkway, Gresham, OR 97080 (503) 663-4708



## Legend

- Group picnic area
- Group camping area
- Children's play area
- Building
- Hardened river access
- Distance between points
- A - M Trail markers
- Bridge
- Log jam
- River boulders
- Wetlands
- Pedestrians only
- Pedestrians and bicycles only
- Pedestrians and horses only
- Electricity easement
- Paved road
- Gravel road

## Trail Markers

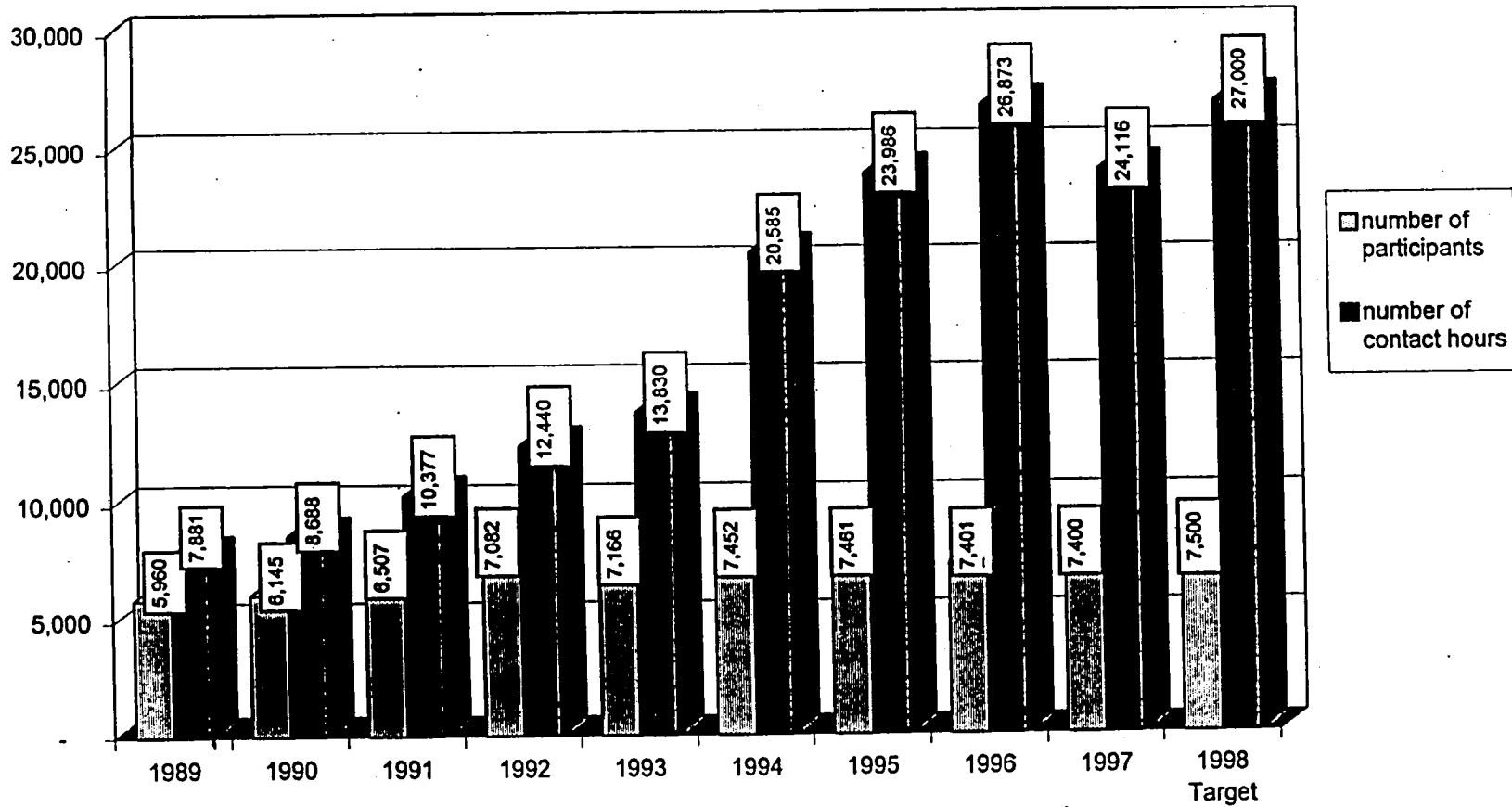
- Pedestrians allowed
- Bicycles allowed
- Horses allowed
- Trail marker
- No Bikes
- No Horses

Printed on recycled-content paper 100 percent post-consumer waste.

98324 mdw

Illustration #2

**REGIONAL PARKS AND GREENSPACES DEPARTMENT  
 PLANNING AND EDUCATION DIVISION  
 EDUCATION PROGRAM ATTENDANCE**





## *Some of our satisfied clients . . .*

Clark Community College  
Mount Hood Community College  
Portland Community College  
Oregon City Community Schools  
Linnfield College  
Marylhurst College  
Hollywood Senior Center  
Portland Parks Outdoor Recreation Program  
PSU Outdoor Program  
Multnomah County Outdoor School  
Washington County Outdoor School  
National Aquatic and Marine Educators  
Oregon Forestry Resources Institute  
Western Forestry & Conservation Association  
Hunter Education—ODFW  
Oregon Natural Resources Council  
SalmonWatch  
Kid Connection  
Northwest Service Academy  
Troutdale Historical Society  
CopCamp  
Water World Program  
Blazer Scouts  
Girl Scout Troop #511  
Brownie Troop #864  
4-H  
Cultural Homes International  
Southeast Montessori Center  
Two Rivers Montessori  
French American School  
Irvington School Math and Science Institute  
Temple Christian Extension School  
Forest, Farm & Stream Learning Center  
Migrant Education Summer School  
Humboldt Summer School  
Outdoor Adventure School  
Various home schools  
Ascension Early Childhood Center  
Children's Village  
Delphinian School  
Alameda Elementary  
Archer Glenn Elementary  
Chapman Elementary  
East Orient Talented & Gifted Program  
Eagle Creek Elementary

East Orient Elementary  
West Orient Elementary  
Gilbert Heights Elementary  
Gilbert Park Elementary  
Hector Campbell Elementary  
Harold Oliver Primary School  
Highland Elementary  
King Elementary  
Kelly Creek Elementary  
Lincoln Park Elementary  
Lynch Meadows Elementary  
North Gresham Grade School  
Park Rose Grade School  
Powell Valley Elementary  
Richmond Elementary  
Rigler Elementary  
Rose City Park School  
Springdale Elementary  
Scappoose Elementary  
Sweetbriar Elementary  
Sunnyside School  
Troutdale Elementary  
Beaumont Middle School  
Binnsmead Middle School  
Environmental Middle School  
Fernwood Middle School  
George Middle School  
Lake Oswego Junior High  
Oregon Trail School  
Portland Adventist Academy  
Portland Cornerstone Academy  
Portsmouth Middle School  
Riverdale Middle School  
River Mill School  
Sellwood Middle School  
Metro Learning Center  
West Orient Middle School  
Sandy High School  
Sam Barlow High School  
Alpha High School  
Centennial High School  
Milwaukie High School  
Tigard High School  
Tualatin High School  
Reynolds High School

*Agenda Item Number 9.2*

**Resolution No. 99-2792, For the Purpose of Authorizing Release of RFB #99B-15-REM for the Replacement of a Solid Waste Compaction System at the Metro Center Station.**

Metro Council Meeting  
Thursday, June 17, 1999  
Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING RELEASE ) RESOLUTION NO. 99-2792  
OF RFB #99B-15-REM FOR THE REPLACEMENT )  
OF A SOLID WASTE COMPACTION SYSTEM AT ) Introduced by Mike Burton,  
THE METRO CENTRAL TRANSFER STATION ) Executive Officer

WHEREAS, A compaction system at Metro Central Station is in need of replacement as described in the accompanying staff report; and

WHEREAS, Staff has prepared the request for bids attached as EXHIBIT "A";  
and

WHEREAS, The project was identified in Metro's Adopted Capital Improvement Plan, the Regional Environmental Management Department's Renewal and Replacement Study, and proposed FY1999-2000 budget; and

WHEREAS, The resolution was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now therefore,

BE IT RESOLVED,

1. That the Metro Council authorizes issuance of RFB #99B-15-REM attached hereto as Exhibit "A."
2. That the Metro Council, pursuant to Section 2.04.026(b) of the Metro Code, authorizes the Executive Officer to execute a contract with the lowest responsive bidder.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
Rod Monroe, Presiding Officer

Approved as to Form:

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

S:\SHARE\GEYE\COMPACT\CompactMCS\992792.res

**Request for Bids  
for  
Replacement of a Solid  
Waste Compaction  
System at the Metro  
Central Transfer Station**

**RFB #99B-15-REM**

*Regional Environmental Management  
Engineering & Analysis Section*  
600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1652  
Fax (503) 797-1795  
[www.metro-region.org](http://www.metro-region.org)

**June 1999**



**METRO**  
Regional Services  
*Creating livable  
communities*

DOCUMENT TOO LARGE TO COPY, PLEASE  
CONTACT THE REM DEPARTMENT FOR A  
COPY: 797-1652

**EXECUTIVE SUMMARY  
RESOLUTION 99-2792  
COMPACTOR REPLACEMENT AT METRO CENTRAL TRANSFER STATION**

**PROPOSED ACTION**

- Adopt Resolution No. 99-2792, which authorizes release of RFB #99B-15-REM and authorizes the Executive Officer to execute a contract for the replacement of an existing compactor at the Metro Central Transfer Station.

**WHY NECESSARY**

- The three compactors at Metro Central have been in operation for approximately 9 years.
- Metro has identified one of these units for replacement in FY1999-2000 in the Agency's Capital Improvement Plan, and the Department's Renewal and Replacement Study and proposed budget.
- The unit to be replaced has been used the most, and recently sustained damage to its support structure.
- The replacement compactor should increase payloads and reduce Metro's payments to its transport contractor whom is paid on a per-load basis.

**ISSUES/CONCERNS**

- Due to the recent damage, we have started the procurement process a few months early. However, no funds will be spent until FY1999-2000.
- We hope to replace the unit before it wears out completely.

**BUDGET/FINANCIAL IMPACTS**

- This project is included in the CIP and is budgeted during FY1999-00 at \$888,800. These payments will be made from the Renewal & Replacement Account.
- Annual savings for increasing average load weight by one ton per load (29.2 tons per load to 30.2 tons per load) is estimated to be about \$80,000 per year.

## STAFF REPORT

### IN CONSIDERATION OF RESOLUTION NO. 99-2792 FOR THE PURPOSE OF AUTHORIZING RELEASE OF RFB #99B-15-REM FOR THE REPLACEMENT OF A SOLID WASTE COMPACTION SYSTEM AT THE METRO CENTRAL STATION

Date: May 10, 1999

Presented by: Terry Petersen,  
Chuck Geyer

## PROPOSED ACTION

Adopt Resolution No. 99-2792, that authorizes release of RFB #99B-15-REM and authorizes the Executive Officer to execute a contract with the lowest responsive bidder.

## FACTUAL BACKGROUND AND ANALYSIS

Metro Central Station (MCS) is a solid waste transfer station that receives waste from both commercial haulers and the general public. The station operator compacts the waste into loads for transport 150 miles one-way to the Columbia Ridge Regional Landfill, located in Gilliam County, Oregon. The waste is compacted to minimize the number of trips to the landfill. In 1999, MCS will receive approximately 355,000 tons of waste for disposal, resulting in the transport of over 12,000 loads.

Waste received at the facility is unloaded in one of three bays running the length of the station, depending on the type of waste being delivered. Bay #1 receives primarily commercial compacted waste, upon which some material recovery occurs. Bay #2 receives loose waste from drop boxes. An intensive manual sort is done upon this waste, producing most of the station's recovery. Bay #3 receives residential waste from packer trucks with no significant material recovery (unrecovered material from Bay #2 is also handled in Bay #3).

After unloading and material recovery, waste is pushed to a conveyor that loads a compactor. A compactor operator builds a load of waste in the compactor to desired specifications. The load of waste is then extruded into a trailer for transport to the landfill.

### *The Existing Compactors*

There are three compactors at MCS. This project proposes replacement of the compactor for Bay #1. This unit is a SSI two-bale compactor that has been the workhorse of the facility. It has been identified in the Department's *Renewal and Replacement Study, Capital Improvement Plan, and 1999-2000 Proposed Budget* for replacement in the upcoming fiscal year. The compactor for Bay #3 is scheduled for replacement in FY2000-01. The compactor for Bay #2 is not used on a regular basis, and has not been scheduled for replacement at this time. All three compactors were installed in 1991.

Since being identified for replacement, the Bay #1 compactor has sustained damage to its support structure. Due to this damage, staff is initiating replacement prior to the start of FY1999-00. Replacement is to occur within 180 calendar days of the award of a contract.

Potential vendors for this system have been given an opportunity to review a draft of the RFB. Their questions as well as staff's responses are contained in Attachment No. 1 to this staff report.

### **BUDGET IMPACT**

This project is budgeted in the Renewal and Replacement Account for FY1999-00 at \$888,800. All expenditures will take place during that fiscal year.

### **EXECUTIVE OFFICER RECOMMENDATION**

The Executive Officer recommends approval of Resolution No. 99-2792.



METRO

May 17, 1999

Re: Questions received regarding draft documents and Metro's responses

All Planholders for RFB #99B-15-REM

Metro has received the following questions regarding a draft of RFB #99B-15-REM for the replacement of a solid waste compaction system at our Metro Central Transfer Station. Below are listed the questions received and Metro's responses.

The Metro Council prior to release of final bid documents will review this project. Interested parties are invited to attend the Regional Environmental Management subcommittee meeting of the Council at which the project will be discussed. It is tentatively scheduled for June 9<sup>th</sup> at 1:30 in the Council Chambers. You may contact Chris Billington, Council Clerk at 797-1542 to confirm this meeting. Documents would then be released after the full Council meeting on June 17<sup>th</sup> if approved.

#### Questions & Responses

1. *We would like some language to cover the "contractor responsible for required permits" section, as far as delays caused by others that the bidder has no control over. Such as local City or County Departments that issue permits causing delays that affect the contract timing. There should be a day to day contract extension if something like this should occur.*

**Metro Response:** No change. Since no building permit will be required, the permitting process is unlikely to cause delays if pursued promptly.

2. *Our company has a corporate policy against taking other firm's equipment in on trade.*

**Metro Response:** No change. The RFB requirement to take out the existing compactor does not require the bidder to take it "in on trade". Bidders are free to remove the existing compactor and scrap it if they wish.

3. *A time period for project completion of 180-190 days is requested from 150 in the RFB.*

**Metro Response:** Metro will increase the project completion requirement to 180 days.

4. *Request to utilize concrete curbing for spill containment at the HPU.*

**Metro Response:** Metro wishes to have spill containment of 50% of HPU's reservoir capacity provided through a tank at the HPU. Metro will clarify this requirement in the RFB.



5. *Request not to display individual pump pressures at the control panel.*

**Metro Response:** No change. Metro wants these pressures displayed at the control panel to assist the operator in identifying problems and to assist in remote diagnosis through the modem interface with the control panel by the manufacturer.

6. *Request to use a three-stage cylinder for compaction and bale eject vs. the single stage specified.*

**Metro Response:** This request should be submitted to Metro during the bid process per the procedures contained in the "OR APPROVED EQUAL" clause of the RFB.

7. *Request to allow three weeks to prepare bids.*

**Metro Response:** Agreed.

8. *A request to clarify whether the "RESIDENT/NON-RESIDENT BIDDER" clause allows a preference for firms residing in Oregon.*

**Metro Response:** No it does not. The clause only applies if a bidder resides in another state that gives a preference to bidders from that state over bidders from other states. If a bidder from a state that gives preferences bids on this project, then its bid would be increased by the amount of preference it enjoys in the state it resides.

9. *Please clarify the bidder's responsibilities to interface with the conveyor.*

**Metro Response:** Metro will clarify this specification in the final document.

10. *Item #6 of the "CHECKLIST" to be submitted with the bid requests a registration number from the Construction Contractors Board. A firm wishes to know if it had to be registered with the board even though it was a manufacturing company that uses subcontractors to perform the installation tasks such as electrical and hydraulic.*

**Metro Response:** No, the bidder is not required to be registered with the board, although the subcontractors must have the appropriate accreditations for the work they perform. Metro will remove this item from the checklist.

11. *A request to clarify that the Prevailing Wage requirements of BOLI only apply to the onsite installation work, not the manufacturing of the unit.*

**Metro Response:** That is Metro's understanding. Bidders should contact BOLI directly for additional information or explanation.

  
\_\_\_\_\_  
Chuck Geyer, Project Manager  
CG:dk  
S:\SHA\GEGEY\COMPACT\COMPACTMCS\CLARIFICATIONS.DOC

*Agenda Item Number 9.3*

**Resolution No. 99-2798, For the Purpose of Extending the Effective Date of Resolutions No. 98-2726B, 98-2728B, and 98-2729C Relating to Statements of Intent to Amend the Urban Growth Boundary.**

**Metro Council Meeting  
Thursday, June 17, 1999  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF EXTENDING THE ) RESOLUTION NO 99-2798  
EFFECTIVE DATE OF RESOLUTION NOS. 98- )  
2726B, 98-2728C and 98-2729C RELATING TO ) Introduced by Councilor Susan  
STATEMENTS OF INTENT TO AMEND THE ) McLain  
URBAN GROWTH BOUNDARY )

WHEREAS, on December 17, 1998, the Metro Council adopted Resolution Nos. 98-2726B, 98-2728C and 98-2729C expressing the intent to amend the Urban Growth Boundary (UGB) and to endorse property owner petitions for inclusion of territory inside the Metro jurisdictional boundary; and

WHEREAS, the subject matter of Resolution No. 98-2726B was property within Urban Reserve Area 65 in Washington County; and

WHEREAS, the subject matter of Resolution No. 98-2728C was property located in Urban Reserve Areas 51, 52, 53, 54 and 55 in the south Hillsboro area of Washington County; and

WHEREAS, the subject matter of Resolution No. 98-2729C was property located in Urban Reserve Areas 39, 41 and 42 in the Wilsonville area of Clackamas County and Urban Reserve Areas 62 and 63 in Western Washington County; and

WHEREAS, the resolutions completing the process were conditioned upon property owners and electors within the subject property areas to annex land to the Metro jurisdictional boundary prior to June 17, 1999; and

WHEREAS, pursuant to Oregon law, the Portland Metropolitan Boundary Commission was dissolved effective January 1, 1999; and

WHEREAS, the dissolution of the Portland Metropolitan Boundary Commission has created delay in the processing of petitions to annex land to the Metro jurisdictional boundary; and

WHEREAS, the Oregon Legislature is currently considering Senate Bill 1031, which would amend the process for annexing land to the Metro jurisdictional boundary to allow the Metro Council to make final determinations on annexation petitions for annexation to the Metro jurisdictional boundary; and

WHEREAS, the legislative consideration of Senate Bill 1031 has resulted in further delay in the processing of annexation petitions to the Metro jurisdictional boundary; and

WHEREAS, the Metro Council wishes to allow a further time extension for the properties that were the subject of Resolution Nos. 98-2726B, 98-2728C and 98-2729C; and now, therefore,

BE IT RESOLVED:

1. Resolution Nos. 98-2726B, 98-2728C and 98-2729C are hereby re-adopted and the period provided therein for annexation of property to the Metro jurisdictional boundary is therefore extended six (6) months from the date of adoption of this Resolution.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 1999.

---

Rod Monroe, Presiding Officer

APPROVED AS TO FORM:

---

Daniel B. Cooper, General Counsel

**GROWTH MAGEMENT COMMITTEE REPORT**

CONSIDERATION OF RESOLUTION NO. 99-2798 FOR THE PURPOSE OF EXTENDING THE EFFECTIVE DATE OF RESOLUTIONS NO. 98-2726B, 98-2728C AND 98-2729C RELATING TO STATEMENTS OF INTENT TO AMEND THE URBAN GROWTH BOUNDARY.

---

Date: June 9, 1999

Presented by: Councilor McLain

**Committee Action:** At its June 8, 1999 meeting, the Growth Management Committee voted 3-0 to send Resolution No. 99-2798 to Council with no recommendation. Voting in favor: Councilors Monroe, Park and McLain.

**Council Issues/Discussion:** In December of 1998, the Metro Council passed three Resolutions expressing its intent to move the urban growth boundary for certain urban reserves outside the Metro jurisdictional boundary. The resolutions indicated that only after annexation of these areas into the Metro boundary, could the Metro Council consider action to move the urban growth boundary. Six months (June 17, 1999) were given for property owners and electors to accomplish this annexation. Given the dissolution of the Portland Metropolitan Boundary Commission, the role of the Multnomah County Commission in the interim, and the not-yet-finalized role for Metro in future Metro boundary annexations, Resolution 99-2798 extends the timeline for the specified urban reserve areas to be annexed to Metro.

Mary Kyle McCurdy of 1000 Friends of Oregon, testified that her organization would prefer that no action be taken on this resolution. She noted that most of the urban reserves in question contain Exclusive Farm Use (EFU) acreage, and are under appeal. She therefore felt that it would be better to take no action on this resolution, and sort things out after court actions are finalized.

Councilor Park moved, and later withdrew, an amendment to separate out urban reserves 53, 54 and the EFU portion of 55, and place them in a separate resolution that could also be considered at Council. His intention was to have a full council deliberation on the merits of moving the Metro boundary in urban reserve areas that contain EFU.

The other committee members felt it would be fairer and more consistent to allow all resolutions (and sites) to receive the same time extension. They also felt that due to certain unknowns at this time, including the ESA listing, court appeals, Goal 5 work, and the pending Urban Growth Report, that it would be unwise to not extend the timelines for annexation to the Metro boundary.

## **STAFF REPORT**

CONSIDERATION OF RESOLUTION NO. 99-2798, FOR THE PURPOSE OF EXTENDING THE EFFECTIVE DATE OF RESOLUTION NOS. 98-2726B, 98-2728C AND 98-2729C RELATING TO STATEMENTS OF INTENT TO AMEND THE URBAN GROWTH BOUNDARY.

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Date: May 27, 1999

Prepared by: Michael Morrissey

**Proposed Action:** Resolution 99-2798 extends the effective date of resolutions adopted by the Metro Council in December, 1998. Those resolutions expressed the intent of the Metro Council to amend the urban growth boundary, for properties outside the Metro boundary. Actual movement of the urban growth boundary, relative to these resolutions, could only take place after annexation of the subject properties into Metro boundary. The practical effect of this resolution is to extend the deadline for annexation of the properties into the Metro boundary

**Factual Background and Analysis:** Resolutions 98-2726B, 98-2728C and 98-2729C are proposed for readoption with passage of this resolution. Urban reserve areas affected are #'s 39, 41 (part), 42 51, 52, 53, 54, 55 (part), 62 (part), 63 and #65 (part).

Property owners and electors in the subject property were given six months from adoption of those resolutions to annex to Metro (i.e until June 17, 1999). With dissolution of the Portland Metropolitan Boundary Commission in January of 1999, and state and local actions taking further time to reach a new structure for processing boundary amendments, processing boundary amendments between December 1998 and June 1999 has been delayed. Resolution 99-2798 extends the opportunity for annexation to six months after the date of Council adoption of the resolution.

*Agenda Item Number 9.4*

**Resolution No. 99-2799, For the Purpose of Amending the Metropolitan Transportation Improvement Program (MTIP) to Program the Portland Regional Job Access Plan.**

**Metro Council Meeting  
Thursday, June 17, 1999  
Council Chamber**

|                                 |   |                        |
|---------------------------------|---|------------------------|
| FOR THE PURPOSE OF AMENDING THE | ) | RESOLUTION NO. 99-2799 |
| METROPOLITAN TRANSPORTATION     | ) |                        |
| IMPROVEMENT PROGRAM (MTIP) TO   | ) | Introduced by          |
| PROGRAM THE PORTLAND REGIONAL   | ) | Councilor Jon Kvistad, |
| JOB ACCESS PLAN                 | ) | JPACT Chair            |

WHEREAS, Tri-Met submitted a grant application to the FTA to fund a “Portland Regional Job Access Plan” under Section 3037 of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21); and

WHEREAS, Metro submitted a letter of support for the grant which stated that the plan was consistent with regional transportation goals and objectives in the *Regional Framework Plan* in the policy chapter of the *Regional Transportation Plan*; that Metro would amend the MTIP to show the project at such time as FTA approved the grant application and awarded a specific federal dollar amount; and that Metro desired to participate on the Portland Regional Job Access Committee (JAC), the project steering committee; and

WHEREAS, FTA informed Tri-Met that \$1.0 million of first-year federal funds have been awarded the plan, subject to local cash and/or in-kind match of \$1.426 million; and

WHEREAS, Tri-Met has requested that Metro amend the MTIP to reflect award of the first year federal funds; and

WHEREAS, All activities contemplated by the program are exempt with respect to regional air quality conformity issues; now, therefore,

BE IT RESOLVED,

1. The MTIP is amended to show allocation of \$1 million of Section 3037 funds in FY 99 to the Portland Regional Job Access Program.
2. The Executive Officer is authorized to assign staff to the JAC to implement the present award and to assure representation of Metro interests in implementation of any subsequent awards.
3. The Executive Officer is authorized to request amendment of the STIP to reflect this action and to coordinate administrative details with staff of ODOT, Tri-Met and others giving cash and/or in-kind match for the program.



ADOPTED by the Metro Council this \_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
Rod Monroe, Presiding Officer

Attest as to Form:

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

TW:lmk  
99-2799.RES.DOC  
5-20-99

## TRANSPORTATION PLANNING COMMITTEE REPORT

### CONSIDERATION OF RESOLUTION NO. 99-2799, FOR THE PURPOSE OF AMENDING THE METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO PROGRAM THE PORTLAND REGIONAL JOB ACCESS PLAN

Date: June 9, 1999

Presented by: Councilor Atherton

**Committee Recommendation:** At its June 8 meeting, the Committee considered Resolution No. 99-2799 and 2-0 to send the resolution to the Council with a do pass recommendation. Voting in favor: Councilors Atherton and Chair Kvistad. Councilor Bragdon was excused.

**Committee Issues/Discussion:** Andy Cotugno, Transportation Planning Director, presented the staff report. He explained that the purpose of the resolution to amend the Metropolitan Transportation Improvement Plan (MTIP) to recognize Tri-Met's receipt of a \$1 million federal grant. Cotugno noted that Tri-Met had applied for federal, TEA-21 discretionary funds that were available to fund local transit programs designed to work-related transportation assistance persons moving out of the welfare system.

Cotugno further described the nature of the grant program. He noted that the Tri-Met grant was for a single year, but that grant funding could be available for up to five years. The grants could total \$1 million for each of the first two years, and \$856,000 annually during the remaining three years. Local match for the first two years would be \$1.426 million annually and \$2.103 annually for the remaining three years.

Most of the funds for the program will be spent to enhance fixed route bus service (50% during the first two years and 75% during the remaining years). Funds also will be expended on customer information and marketing materials and services, vanpool subsidies and operation of a ridesharing program. Local matching funds will come from the city of Portland (\$635,000 in bike and pedestrian improvements near targeted transit hubs, Tri-met operating funds and in-kind volunteer work. The staff report noted that if federal grant funding for the additional years of the program was not obtained, alternative local funding sources would need to be identified, if the program is to be continued.

## STAFF REPORT

### CONSIDERATION OF RESOLUTION NO. 99-2799 FOR THE PURPOSE OF AMENDING THE METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO PROGRAM THE PORTLAND REGIONAL JOB ACCESS PLAN

DATE: May 20, 1999

Presented by: Andrew C. Cotugno

#### PROPOSED ACTION:

This resolution would approve amending the MTIP to program \$1.0 million of Section 3037 funds awarded by FTA for first-year financing of the Portland Regional Job Access Plan. The resolution authorizes Metro representation on the program steering committee to implement the currently allocated funds and any other funds that may be awarded in the future.

#### BACKGROUND AND ANALYSIS

Section 3037 of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) authorized FTA competitive award of funds for Job Access and Reverse Commute Program proposals. Tri-Met submitted a grant in December 1998 which outlined a five-year program of new traditional transit services, social services outreach and allied non-traditional, non-SOV travel demand management strategies to address low income, employment-related transportation needs. Attachment 1 shows the full five-year budget and indicates the range of proposed services. (A more complete summary will be provided at the meeting as Attachment 2.)

FTA approved \$1.0 million of federal funding for only the first year of the proposed program. The FTA action does not commit any additional federal funding for years two through five of the proposal. However, there is the likelihood that additional funding will be provided on an annual basis, as the first year grant supports extension of new fixed route bus service. In the event of FTA awards in any of years two through five, additional amendments of the MTIP would be required. If follow up grants are not forthcoming, Tri-Met and the region would need to consider alternative means of continuing the new services, or eliminating them. At the conclusion of the program, a similar discussion will be needed.

Tri-Met's proposal anticipates first and second-year federal financing of \$1.0 million per year. Years three through five of the plan anticipate annual federal support of \$856,000. Federal funds in years one and two would be matched with local capital and in-kind services equaling \$1.426 million per year. This match would increase to \$2.103 million in years three through five.

Approximately half of the first and second-year federal grant would be allocated to Tri-Met provided fixed route bus service, increasing to consumption of approximately three-quarters of the federal funds in years three through five. At the same time, Tri-Met

funded bus service would be counted as approximately one-third to one-half of the local matching funds/services. The City of Portland would provide about \$635,000 in pedestrian and bike improvements around program-targeted transit hubs in the first year. The balance of program elements in all years is designed to deliver miscellaneous customer information/marketing materials and services, vanpool subsidies and operation of a ridesharing program.

Participating agencies include Tri-Met; Volunteer Transportation, Inc.; Tualatin Transportation Management Association; City of Portland; and the Clackamas County Transportation Consortium. The steering committee (the Jobs Access Committee, or "JAC") is composed of 25 representatives from throughout the region and includes Metro staff.

Grant dollars in various program areas would be expended in the Hillsboro, Gateway and Oregon City Regional centers, in Northeast Portland, and in the following employment areas: Columbia Corridor/Rivergate, Tualatin/Tigard, Milwaukie/Clackamas Town Center, and the Westside Employment area adjacent to and north of the Westside MAX and including the Nimbus Business Park in Tigard.

**c. Job Access Five Year Grant Budget  
Portland, Oregon Metropolitan Region**

**Applicant:** Tri-County Transportation District Of Oregon (Tri-Met)  
**Area Size:** 1,341,700

| Job Access Project  | Federal<br>Amount   | Total<br>Amount     |
|---|---------------------|---------------------|
| <b>Year 1 - FFY 1999</b>                                    |                     |                     |
| Capital Costs   | \$ 194,000          | \$ 1,019,000        |
| Real Time Customer Information                              | 150,000             | 300,000             |
| Pedestrian & Bicycle Improvements at Hubs                   | 10,000              | 635,000             |
| Customer Information Infrastructure                         | 34,000              | 84,000              |
| Operating Costs   | \$ 806,000          | \$ 1,407,000        |
| Tri-Met Fixed Route Bus Service                             | 508,000             | 1,008,000           |
| Other Transportation Service                                | 138,000             | 209,000             |
| Vanpool Subsidy   | 50,000              | 50,000              |
| Marketing/Information Support (Staff)                       | 70,000              | 100,000             |
| Car Sharing   | 40,000              | 40,000              |
| <b>Total Per Year: Year 1 Job Access Proposal</b>           | <b>\$ 1,000,000</b> | <b>\$ 2,426,000</b> |
| <b>Year 2 - FFY 2000</b>                                    |                     |                     |
| Capital Costs   | \$ 201,000          | \$ 460,000          |
| Buses for VTI Service                                       | 101,000             | 300,000             |
| Pedestrian/Bicycle Improvements                             | 50,000              | 100,000             |
| Real Time Customer Information                              | 50,000              | 60,000              |
| Operating Costs   | \$ 799,000          | \$ 1,967,000        |
| Tri-Met Fixed Route Bus Service                             | 508,000             | 1,508,000           |
| Other Transportation Service                                | 138,000             | 209,000             |
| Vanpool Subsidy   | 50,000              | 100,000             |
| Marketing/Information Support (Staff)                       | 70,000              | 100,000             |
| Car Sharing   | 33,000              | 50,000              |
| <b>Total Per Year: Year 2 Job Access Proposal</b>           | <b>\$ 1,000,000</b> | <b>\$ 2,427,000</b> |
| <b>Years 3 - 5 (Annual Budget for FFY 2001-2003)</b>        |                     |                     |
| Capital Costs   | \$ 100,000          | \$ 200,000          |
| Pedestrian/Bicycle or Bus Improvements                      | \$ 100,000          | \$ 100,000          |
| Operating Costs   | \$ 756,000          | \$ 2,759,000        |
| Tri-Met Fixed Route Bus Service                             | 500,000             | 2,300,000           |
| Other Transportation Service                                | 138,000             | 209,000             |
| Vanpool Subsidy   | 25,000              | 100,000             |
| Marketing/Information Support (Staff)                       | 70,000              | 100,000             |
| Car Sharing   | 23,000              | 50,000              |
| <b>Total Per Year: Years 3-5 Annual Job Access Proposal</b> | <b>\$ 856,000</b>   | <b>\$ 2,959,000</b> |

*Agenda Item Number 9.5*

**Resolution No. 99-2802, For the Purpose of Granting Time Extensions to the Functional Plan  
Compliance Deadline - June 1999.**

**Metro Council Meeting  
Thursday, June 17, 1999  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING TIME )  
EXTENSIONS TO THE FUNCTIONAL )  
PLAN COMPLIANCE DEADLINE – )  
JUNE 1999 )

RESOLUTION NO. 99-2802

Introduced by: Mike Burton,  
Executive Officer

WHEREAS, The Metro Council adopted the Urban Growth Management Functional Plan for early implementation of the 2040 Growth Concept on November 21, 1996, by Ordinance No. 96-647C; and

WHEREAS, The Urban Growth Management Functional Plan requires that all jurisdictions in the region make plan and implementing ordinance changes needed to come into compliance with this functional plan by February 19, 1999; and

WHEREAS, The Urban Growth Management Functional Plan in Metro Code Section 3.07.820.C provides that Metro Council may grant extensions to timelines under this functional plan "if the city or county has demonstrated substantial progress or proof of good cause for failing to complete the requirements on time;" and

WHEREAS, The following five jurisdictions have requested time extensions to complete compliance work based on evidence showing "substantial progress or proof of good cause" for failing to meet the February 19, 1999, compliance deadline and have submitted detailed timelines showing when the work will be completed, now therefore,

BE IT RESOLVED:

1. That the Cities of Forest Grove, Happy Valley, Oregon City and Portland and Multnomah County shall receive Functional Plan compliance time extensions as shown in Exhibit A.

2. That any further requests for time extensions or requests for functional plan exceptions made by the above named jurisdictions shall be determined as delineated in Metro Code 3.07.820, Sections B and C.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_ 1999.

\_\_\_\_\_  
Rod Monroe, Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

MMH/srb  
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## **EXHIBIT A**

### **Functional Plan time extensions for the Cities of Forest Grove, Happy Valley, Oregon City, Portland and Multnomah County**

Metro Code numbers are used to cite Functional Plan requirements. The applicable Functional Plan title follows each citation in parentheses (). A brief description of Functional Plan requirements appears below for reference. All extensions are to the last day of the month listed in the schedules below.

#### **Functional Plan Requirements by Title**

- Title 1 *Requirements for housing and employment accommodation*
- Title 2 *Regional parking policy*
- Title 3 *Water quality, flood management conservation*
- Title 4 *Retail in employment and industrial areas*
- Title 5 *Requirements for rural reserves and green corridors*
- Title 6 *Regional accessibility*
- Title 7 *Affordable housing*
- Title 8 *Compliance procedures*

#### **City of Forest Grove Extensions**

##### **September 1999:**

- Analyze the actual built densities from 1990 to 1995 as required by Metro Code 3.07.140.A (Title 1).
- Assess the ability of public facilities to accommodate calculated capacity as required by Metro Code 3.07.150.A.5 (Title 1).
- Assess the effect of the items listed in Metro Code 3.07.150.C, including setback requirements, landscaping and off-street parking requirements, on calculated capacity.

##### **October 1999:**

- Complete and report to Metro a final capacity analysis as required by Metro Code 3.07.150 (Title 1)
- Amend the comprehensive plan to include a map showing 2040 design type boundaries as required by Metro Code 3.07.130 (Title 1).

##### **December 1999:**

- Amend the zoning ordinance to adopt minimum density standards of 80% of the maximum number of dwelling units per net acre permitted in the zoning designation as required by Metro Code 3.07.120.A (Title 1).
- Amend parking standards and develop reporting requirements to comply with Metro Code 3.07.220 (Title 2).
- Amend the zoning ordinance to prohibit large-scale retail uses in industrial areas and to limit such uses in employment areas as required by Metro Code 3.07.420 (Title 4).
- Adopt language to implement the street design and connectivity requirements of Metro Code Sections 3.07.620 and 3.07.630 (Title 6).

## **City of Happy Valley Extensions**

### **December 1999:**

- Amend the zoning ordinance to adopt minimum density standards as required by Metro Code 3.07.120.A (Title 1).
- Amend the comprehensive plan to include a map showing 2040 design type boundaries as required by Metro Code 3.07.130 (Title 1).
- Finalize and report to Metro employment capacities for the City as a whole and for mixed-use areas within the City as required by Metro Code 3.07.150 (Title 1).
- Amend parking standards and develop reporting requirements to comply with Metro Code 3.07.220 (Title 2).
- Adopt language to implement the connectivity requirements of Metro Code Section 3.07.630 (Title 6).

## **City of Oregon City Extensions**

The City of Oregon City has met a number of Functional Plan requirements and has been establishing the framework for coming into full compliance with the plan. Currently, the City is preparing a regional center plan, a transportation system plan, a Highway 213 corridor study, a wetland inventory and protections program, and a stormwater management manual. Oregon City will complete its remaining Functional Plan compliance efforts on the following timeline:

### **October 1999:**

- Adopt language to implement the street design and connectivity requirements of Metro Code Sections 3.07.620 and 3.07.630 (Title 6).

### **June 2000:**

- Amend parking standards and develop reporting requirements to comply with Metro Code 3.07.220 (Title 2).
- Amend the zoning ordinance to prohibit large-scale retail uses in industrial areas and to limit such uses in employment areas as required by Metro Code 3.07.420 (Title 4).

### **July 2000:**

- Establish minimum densities as required by Metro Code 3.07.120.A (Title 1).
- Amend the zoning code to allow an accessory dwelling unit within any single-family dwelling as required by Metro Code 3.07.120.C (Title 1).
- Amend the comprehensive plan to include a map showing 2040 design type boundaries as required by Metro Code 3.07.130 (Title 1).
- Adopt a Comprehensive Plan map, Zoning Ordinance and Land Division Ordinance to protect identified green corridors as required by Metro Code 3.07.520 (Title 5).

### **September 2000:**

- Finalize and report to Metro employment and housing target capacities for the City as a whole and for mixed-use areas within the City as required by Metro Code 3.07.150 (Title 1).

### **City of Portland Extensions**

#### **December 1999:**

- Amend the zoning code to establish minimum densities for all residential zones as required by Metro Code 3.07.120.A (Title 1).
- Amend the comprehensive plan to include a map showing 2040 design type boundaries as required by Metro Code 3.07.130 (Title 1).
- Adopt language to implement the street design and connectivity requirements of Metro Code Sections 3.07.620 and 3.07.630 (Title 6).

### **Multnomah County Extensions**

#### **March 2000:**

- Finalize zone changes and transfer planning and Functional Plan implementation responsibilities for the County's unincorporated urban areas to the cities of Gresham, Portland and Troutdale.

\\gm\community\_development\projects\COMPLIANCE\extension requests\June extension exhibit a

## **STAFF REPORT**

### **CONSIDERATION OF RESOLUTION NO. 99-2802 GRANTING TIME EXTENSIONS TO THE FUNCTIONAL PLAN COMPLIANCE DEADLINE – JUNE 1999**

**Date: May 28, 1999**

**Presented by: Mary Weber  
Prepared by: Marian Maxfield Hull**

## **PROPOSED ACTION**

Adoption of Resolution No. 99-2802 granting timeline extensions to the Functional Plan compliance deadline for the cities of Forest Grove, Happy Valley, Oregon City, Portland and Multnomah County.

## **BACKGROUND AND ANALYSIS**

Metro Code 3.07.820.C (Title 8 of the Functional Plan) provides that Metro Council may grant time extensions to Functional Plan requirements if a jurisdiction can demonstrate "substantial progress or proof of good cause for failing to complete the requirements on time."

Twenty-five jurisdictions requested time extensions to implement some of the requirements of Functional Plan that were due to be completed on February 19, 1999. Metro Council approved the first 11 requests in Resolution No. 99-2755 on February 25, 1999. The Council approved 10 more requests in Resolution No. 99-2771 on April 29, 1999. Resolution No. 99-2802 includes the final four requests and a second extension request from the City of Portland.

Metro Code numbers are used to cite Functional Plan requirements. The applicable Functional Plan title follows each citation in parentheses (). A brief description of Functional Plan requirements appears below for reference.

### **Functional Plan Requirements by Title**

- Title 1 *Requirements for housing and employment accommodation*
- Title 2 *Regional parking policy*
- Title 3 *Water quality, flood management conservation*
- Title 4 *Retail in employment and industrial areas*
- Title 5 *Requirements for rural reserves and green corridors*
- Title 6 *Regional accessibility*
- Title 7 *Affordable housing*
- Title 8 *Compliance procedures*

## **Compliance Progress**

Though most jurisdictions requested some time extensions to complete Functional Plan compliance, all have made significant progress towards meeting Functional Plan goals. Most cities and counties have completed this work without additional staff. The only significant outside resources for compliance work have come from State grant programs such as the Transportation/Growth Management grants and the periodic review program.

The most common time extension requests have been for work related to Title 6, planning for mixed-use areas and capacity calculation. The most common reasons for the requests are to provide time to include compliance work in broader planning and public involvement efforts and to meet schedules dictated by grant funding sources. This is particularly true for planning efforts in mixed-use centers. Most jurisdictions with outstanding compliance work have requested time extensions for the capacity calculation. The capacity calculation is the final step in the Functional Plan compliance process for most jurisdictions because zoning and plan changes, planning for mixed-use areas and even new parking requirements affect calculated capacity.

Work on Title 6 has been delayed, in part, due to the postponed adoption of the Regional Transportation Plan. Many jurisdictions plan to meet Title 6 requirements through their Transportation System Plans (TSP). Many TSP work schedules are timed to coincide with the adoption of the Regional Transportation Plan. Grant funding schedules are also affecting the timing of transportation work.

Some cities are completing compliance work through periodic review. For these jurisdictions, compliance work is being done according to the State approved periodic review schedules and grants that run through most of 1999.

The following pages summarize the progress of each jurisdiction included in Resolution No. 99-2802 and provide implementation timelines for remaining Functional Plan elements. Each jurisdiction listed below has met the Metro Code criteria for "substantial progress or proof of good cause for failing to complete" Functional Plan compliance (Metro Code 3.07.820.C).

### **City of Forest Grove**

The City of Forest Grove has adopted a town center plan and is in the process of amending the zoning code to implement the plan. This effort is part of a complete re-write and update of the entire zoning and subdivision ordinances. The City will revise its capacity analysis and use the revised version to determine public facility needs. Three grant projects are underway to complete this work. Forest Grove will complete its remaining Functional Plan compliance work on the following timeline:

#### **By September 1999:**

- Analyze the actual built densities from 1990 to 1995 as required by Metro Code 3.07.140.A (Title 1).

- Assess the ability of public facilities to accommodate calculated capacity as required by Metro Code 3.07.150.A.5 (Title 1).
- Assess the effect of the items listed in Metro Code 3.07.150.C, including setback requirements, landscaping and off-street parking requirements, on calculated capacity.

**By October 1999:**

- Complete and report to Metro a final capacity analysis as required by Metro Code 3.07.150 (Title 1)
- Amend the comprehensive plan to include a map showing 2040 design type boundaries as required by Metro Code 3.07.130 (Title 1).

**By December 1999:**

- Amend the zoning ordinance to adopt minimum density standards of 80% of the maximum number of dwelling units per net acre permitted in the zoning designation as required by Metro Code 3.07.120.A (Title 1).
- Amend parking standards and develop reporting requirements to comply with Metro Code 3.07.220 (Title 2).
- Amend the zoning ordinance to prohibit large-scale retail uses in industrial areas and to limit such uses in employment areas as required by Metro Code 3.07.420 (Title 4).
- Adopt language to implement the street design and connectivity requirements of Metro Code Sections 3.07.620 and 3.07.630 (Title 6).

**City of Happy Valley**

The City of Happy Valley is developing a town center/main street plan that will be presented to the City Council in July 1999. In addition, the City is in the process of completing its transportation system plan and an urban forestry plan. Happy Valley will be able to meet its housing target but will likely request an exception to the employment capacity target.

**By December 1999:**

- Amend the zoning ordinance to adopt minimum density standards as required by Metro Code 3.07.120.A (Title 1).
- Amend the comprehensive plan to include a map showing 2040 design type boundaries as required by Metro Code 3.07.130 (Title 1).
- Finalize and report to Metro employment capacities for the City as a whole and for mixed-use areas within the City as required by Metro Code 3.07.150 (Title 1).
- Amend parking standards and develop reporting requirements to comply with Metro Code 3.07.220 (Title 2).
- Adopt language to implement the connectivity requirements of Metro Code Section 3.07.630 (Title 6).

**City of Oregon City**

The City of Oregon City has met a number of Functional Plan requirements and has been establishing the framework for coming into full compliance with the plan. Currently, the City is preparing a regional center plan, a transportation system plan, a Highway 213 corridor study, a wetland inventory and protections program, and a

stormwater management manual. Oregon City will complete its remaining Functional Plan compliance efforts on the following timeline:

**By October 1999:**

- Adopt language to implement the street design and connectivity requirements of Metro Code Sections 3.07.620 and 3.07.630 (Title 6).

**By June 2000:**

- Amend parking standards and develop reporting requirements to comply with Metro Code 3.07.220 (Title 2).
- Amend the zoning ordinance to prohibit large-scale retail uses in industrial areas and to limit such uses in employment areas as required by Metro Code 3.07.420 (Title 4).

**By July 2000:**

- Establish minimum densities as required by Metro Code 3.07.120.A (Title 1).
- Amend the zoning code to allow an accessory dwelling unit within any single-family dwelling as required by Metro Code 3.07.120.C (Title 1).
- Amend the comprehensive plan to include a map showing 2040 design type boundaries as required by Metro Code 3.07.130 (Title 1).
- Adopt a Comprehensive Plan map, Zoning Ordinance and Land Division Ordinance to protect identified green corridors as required by Metro Code 3.07.520 (Title 5).

**By September 2000:**

- Finalize and report to Metro employment and housing target capacities for the City as a whole and for mixed-use areas within the City as required by Metro Code 3.07.150 (Title 1).

### **City of Portland**

The Metro Council approved the City of Portland's Functional Plan implementation schedule in Resolution No. 99-2755. The City has adopted many of the Functional Plan changes and has requested additional time to complete three key elements of its program to allow more time for public review and comment. The City of Portland has committed to completing the following work:

**By December 1999:**

- Amend the zoning code to establish minimum densities for all residential zones as required by Metro Code 3.07.120.A (Title 1).
- Amend the comprehensive plan to include a map showing 2040 design type boundaries as required by Metro Code 3.07.130 (Title 1).
- Adopt language to implement the street design and connectivity requirements of Metro Code Sections 3.07.620 and 3.07.630 (Title 6).

### **Multnomah County**

Multnomah County has amended its Comprehensive Framework Plan to implement Metro Code Sections 3.07.620 and 3.07.630 (Title 6). The County has entered into intergovernmental agreements with the cities of Portland, Gresham and Troutdale to transfer all urban planning and development services for Multnomah County unincorporated urban areas to those cities. With the exception of Title 6, which the County already has in place, the cities will be responsible for Functional Plan implementation for the unincorporated urban areas.

The County has requested a time extension to **March 2000** to complete the work needed to finalize the zone changes and transfer of planning responsibility. Metro Council granted the cities of Troutdale and Portland time extensions to December 1999 to complete all Functional Plan compliance work. The City of Gresham has until September 1999 to complete Functional Plan compliance. The County will need time after the adoption of the cities' code changes to review the code and plans, conduct public involvement efforts, adopt code and plan changes for affected County unincorporated urban areas and to adopt intergovernmental agreements to transfer planning implementation responsibilities from the County to the cities.

### **BUDGET IMPACT**

Adoption of this resolution has no budget impact.

### **EXECUTIVE OFFICER'S RECOMMENDATION**

The Functional Plan implementation time extension requests for the cities of Forest Grove, Happy Valley, Oregon City, Portland and Multnomah County are recommended for approval. Any further requests for time extensions or requests for Functional Plan exceptions made by these jurisdictions would be determined as delineated in Metro Code 3.07.820, Sections B and C.

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**MINUTES OF THE METRO COUNCIL MEETING**

June 10, 1999

Council Chamber

Councilors Present: Rod Monroe (Presiding Officer), Susan McLain, Ed Washington, Rod Park, Bill Atherton, David Bragdon, Jon Kvistad

Councilors Absent: None

**Presiding Officer Monroe** convened the Regular Council Meeting at 2:05 p.m.

**1. INTRODUCTIONS**

**Councilor Bragdon** introduced his mother, Nancy Bragdon and Dr. Anthony Pearl from the University of Calgary, Professor of Public Policy and Transportation who was at the high speed rail conference in Seattle.

**Councilor Park** introduced John Fukasawa, an intern with the Council Office, who attends University of Arizona. He was a quasi-native Oregonian whose father was also in the nursery business. He will be doing projects for councilors and the council office during the summer.

**2. CITIZEN COMMUNICATION**

None.

**3. EXECUTIVE OFFICER COMMUNICATIONS**

None.

**4. AUDITOR COMMUNICATIONS**

None.

**5. MPAC COMMUNICATION**

**Councilor McLain** said that the introductory task force on affordable housing issues made a presentation to MPAC on fair share and the formula they were utilizing. They had made this presentation both to MPAC and to the Growth Management Committee. Discussion occurred about what work this group had done, the nature and philosophy of their work and how they would be presenting this information to the public for both educational and recommendation purposes. At this point, they would not be taking this information out to the public until they received the second subcommittee's work on the tool box and strategies. They also recognized that public hearings or public involvement would be done in the Fall. MPAC had a celebration for Charlie Hales, who had been a member of MPAC for its conception, and was leaving the committee.

**Councilor Washington** thanked Councilor McLain for her MPAC updates.

## 6. METRO LEGISLATIVE UPDATE

**Dan Cooper, General Counsel**, said SB 838, the Metro introduced bill to allow purchase of EFU land and partition for open spaces purposes had now re-passed the Senate concurring with the minor amendments that were made on the House side and was on its way to the Governor's desk for signature. The vote was 28-0 with two senators excused.

**SB 87** was substantially amended in the House Committee and had been sent to the House floor with a do pass recommendation. Metro monitored all of the amendments and reviewed them carefully and found no reason to object to the amendments, therefore, maintained neutral on the bill.

**SB 1187**, another bill which Metro testified against, stayed in the House committee. It was scheduled once this week for a public hearing and possible work session. The committee did not get to the bill on the day that it was scheduled and it had not been rescheduled as of this date for any subsequent action by the committee. Its status was still unknown.

**Presiding Officer Monroe** asked about the action on prison siting.

**Mr. Cooper** said the Governor's Office thought that there was something that was happening but wasn't certain what would happen. No bill had had a hearing, nothing seemed to be moving but Mr. Cooper believed they were having discussions on it. He would not rule out further legislative action this session.

**Presiding Officer Monroe** asked if this was the Rick Metzger bill which came from Gerry Krummel.

**Mr. Cooper** said yes, that bill was still there but he was unsure which bill would move forward.

**Presiding Officer Monroe** asked about transportation funding.

**Mr. Cooper** said he wished he had good news. There had been no favorable developments on the Senate side on the \$.06 gas tax increase.

**Presiding Officer Monroe** asked where the bill resided.

**Mr. Cooper** said it had been double referred to Senate Transportation and Senate Revenue.

**Councilor Park** asked about the bone of contention in the transportation bill.

**Mr. Cooper** said the issues were weight mile tax, the amount and project lists.

**Councilor Park** asked if the weight mile tax was being objected to by the trucking industry.

**Mr. Cooper** said yes and deferred to the JPACT chair, Councilor Kvistad to give the overview.

**Councilor Kvistad** said it looked as if we might not have a transportation package. He was unsure of what would happen to bring the transportation package forward but if in deed the

package was not brought forward, there were multi-million dollars in transportation projects in all of the communities that would go unfunded. He said the state had gotten by before without a transportation package but not having transportation funding on the statewide level at all would devastate many projects in this region. He recommended each councilor send a letter or make a phone call to the senators as a courtesy. He was going to try and meet with as many senators as possible who had problems with the bill. He was not sure that this would make a difference but he thought it was extremely important.

**Councilor Park** said it was a shame in terms of what was needed and the one faction that was holding it up. He understood that he used these firms to move his product but in his opinion weight mileage tax was one of the fairer taxes out there, it was a true user fee. It would shift significantly to the local truckers in registration fees a significant portion of those funds and approximately \$25-30 million worth more on to the backs of general user from the trucking industry. He said we all used the transportation system, it was a question of how that system was taken care of, how revenue was collected. It was unfortunate that they might not see anything out of this session based upon the blockage from the trucking industry. Sometimes you needed to get 80% of what you could and go back and get the 20% of what you didn't get, the next time, to get 100% of nothing was hard to take.

**Presiding Officer Monroe** said some of the other entities that showed interest in the bill were garbage haulers, aggregate trucks would be hurt by a change from weight mile to diesel tax as well. The state and the region needed some money in some form for our roads and highways if we were going to meet the growth needs of this region. It was tragic that it was hung up in the legislature.

**Councilor Atherton** said perhaps tragedy was too strong of a word because people needed to know that the region did have an option. If the legislature did not step up to the plate then the region must. Metro could do this as a municipal function in this region either the communities individually or collectively as Metro. We may have to prepare ourselves to cover this funding for maintenance and infrastructure, \$35 million per year. Every penny of gas tax represented revenue of \$5 million per year.

## 7. CONSENT AGENDA

7.1 Consideration meeting minutes of the June 3, 1999 Regular Council Meeting.

**Motion:** **Councilor McLain** moved to adopt the meeting minutes of June 3, 1999 Regular Council Meeting.

**Seconded:** **Councilor Atherton** seconded the motion.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

## 8. ORDINANCES - FIRST READING

8.1 **Ordinance No. 99-808**, Amending the FY 1998-99 Budget and Appropriations Schedule in the Growth Management Department of the Planning Fund transferring \$42,350 from Contingency to Personal Services to fund annexation processing services purchased by the local jurisdictions; and Declaring an Emergency.

**Presiding Officer Monroe** assigned Ordinance No. 99-808 to the Growth Management Committee.

**8.2 Ordinance No. 99-809**, For the Purpose of Amending Ordinance No. 98-788C Which Amends the Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance No. 95-625A in Urban Reserve Area 55 of Washington County.

**Presiding Officer Monroe** assigned Ordinance No. 99-809 to Council.

**8.3 Ordinance No. 99-810**, For the Purpose of Amending the Budget and Appropriation Schedule for FY 1998-99 by Transferring \$50,000 from Contingency to Personal Services in the Zoo Operating Fund, and Declaring an Emergency.

**Presiding Officer Monroe** assigned Ordinance No. 99-809 to the Metro Operations Committee.

**Presiding Officer Monroe** read into the record that following the May 26, 1999 Growth Management Committee's hearing on Ordinance No. 99-809, deadline for written testimony was 5:00 p.m. today, June 10, 1999. The Council would accept written testimony for the record until 5:00 p.m. today and the full council will argue and have second reading of this ordinance on June 17th, one week from today when there would be a full public hearing.

## **9. CONTRACT REVIEW BOARD**

**Presiding Officer Monroe** recessed the Metro Council and convened the Contract Review Board.

**9.1 Resolution No. 99-2790**, For the Purpose of Providing an Exemption to the Competitive Bidding Requirement for a Request for Proposals for the Construction Manager/General Contractor Services for the Expo Hall "D" Construction Project.

**Motion:**            **Councilor Kvistad** moved to adopt Resolution No. 99-2790.

**Seconded:**        **Councilor Washington** seconded the motion.

**Councilor Kvistad** reviewed that this was a CMGC request for proposals, a construction manager/general contractor joint way in which to construct. Normally Metro went out for a project low bid on most all of the other contracts. What they had found was that the CMGC approach to construction on a major project of this kind had resulted in several million dollars in savings to the agency. MERC requested the use of the same procedure for a contract manager/general contractor approach to the new building at Expo that had been used at the construction of the Oregon Exhibit. This approach helped in value engineering of a project. It allowed more flexibility in terms of what was put into the facility, ways to effectively shift and cut costs where appropriate without sacrificing the overall quality of the project. Based on past experience, this approach should allow Metro \$300,000 to \$1 million in savings over the course of building this hall. He asked the council to vote in favor of Resolution No. 99-2790.

**Presiding Officer Monroe** opened a public hearing on Resolution No. 99-2790. No one came forward. **Presiding Officer Monroe** closed the public hearing.

**Councilor Atherton** said, in support of this process, Metro's experience in public management of these projects had improved with construction manager/general contractor concept in a large part because of change orders that occur. Many of these newer buildings were more complex, change orders in low bid processes became very expensive. Metro's experience showed this process was an effective way to construct buildings.

**Councilor Bragdon** asked when proposals came in was there a mechanism like a contract review board, some representation of the council on the panel that reviews the proposals.

**Councilor Kvistad** said since this was a facility managed by MERC, the proposals would come to MERC first. MERC then would review them, bring them to the Council for final approval.

**Mr. Cooper** said no, as the Council did on the previous construction, this resolution was the council authorizing the alternative process. MERC was the responsible entity that would enter into the contract and make the decision as to who to contract with. The Council's rules provided that as the Contract Review Board if there was an appeal by someone who entered the competition and felt that the rules were not followed, they had the right to appeal that decision to the Contract Review Board. The appeal would be limited to some narrow criteria for reviewing and the actual arguments about the scoring of the appeal were not subject to appeal.

**Councilor Kvistad** said the track record on the last MERC project was that MERC kept the Council and the Committee fully informed. MERC made sure that the Council knew when the selection of the contractor was made.

**Councilor Bragdon** said he was supportive of this process. Metro was streamlining the process but the proposers were not forfeiting their right to appeal if necessary.

**Councilor Washington** said he would be happy to update the council on the process at the Metro Operations Committee if the council so requested. This CMGC was a fast track process to keep the project moving and get the product up and running faster than the norm.

**Presiding Officer Monroe** said this process had been used by the David Douglas School District and had streamlined as well as saved money for the tax payers and provided better use of public resources in a more efficient way of doing things when appropriate. He supported the resolution as well.

**Councilor Kvistad** said most of the council knew, this process had been used in the past and had been very successful for Metro. All of the details were included in the resolution. This process should result in some solid savings for Metro and the tax payers. He urged an aye vote.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously

**Councilor Bragdon** introduced Paul Bragdon, his father.

**Presiding Officer Monroe** welcomed Dr. Bragdon.

**10. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(E).  
DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL  
PROPERTY TRANSACTIONS.**

**Members Present:** Jim Desmond, Amy Chestnut, council staff and interns, Alison Kean Campbell, William Eadie.

**10.1 Resolution No. 99-2796, For the Purpose of Authorizing the Executive Officer to Purchase Property in the Willamette Narrows Section of the Willamette River Greenway Target Area.**

**Motion:** Councilor Atherton moved to adopt Resolution No. 99-2796.

**Seconded:** Councilor Kvistad seconded the motion.

**Councilor Atherton** said this property was an extraordinary piece that was in a target area. There was a special circumstance that required that this resolution come before the council. This property provided wonderful access to the Willamette River, with a low bank. The property owners had cared for it magnificently over a number of generations. They had been operating a dairy farm there. The property included a natural stream. The owners had offered this property to Metro under conditions that reflected a high concern for our community. Metro was going to try and reciprocate. He urged an aye vote.

**Jim Desmond**, Senior Manager of Regional Greenspaces and Open Spaces, stated for the record that the Weber family had been a pleasure to deal with. This had been a huge decision for them to relocate a dairy operation that had been in their family for many years. Metro had found the Weber's to be a terrific family to deal with. He noted for the record, that the Weber's had been offered more money than Metro was able to offer and the Weber family chose to take a lower offer from Metro. He thought this was an extraordinary for Metro's program and for our community. Metro was very appreciative of the faith the Weber's had shown in Metro to be as good of stewards of their land in the future as they had been in the past.

**Presiding Officer Monroe** opened a public hearing on Resolution No. 99-2796.

**Mrs. Nanette Weber**, 30131 SW Mountain Rd., West Linn, OR 97068 shared her experience about this piece of property. Her husband and she started dairying in 1953 on a leased farm in Yamhill County and began to look diligently for their own farmland. They knew that this piece of property was the one for them, the varied terrain, the river, the year round stream, the woods, the canyon. The farm had personality and was not just a piece of land. They moved into this rural area in 1958. Then as the freeways opened it became feasible to live there and work in Portland. The area began to change. In the beginning the farmland could be divided into 20 acre parcels. About 10 to 15 years ago they had realized that the years to continue to run a commercial dairy operation were numbered. At that time they didn't know about the open space program. When they decided to put the land on the market, Amy Chestnut from the Open Spaces Program came to look at the land. The Weber family decided that the open spaces program had the kind of vision they wanted and for that reason they accepted a lower offer because they felt this was in keeping with what their hopes were for this unique property. Her family also supported her in this decision.

**Presiding Officer Monroe** thanked Mrs. Weber for what she had done. He could tell that she loved this land and assured her that Metro would take very good care of it. It would be a legacy to her family for generations to come, a place the entire region could enjoy.

**Councilor Park** said he was happy to hear that her decision would protect the area but was sad to hear that the dairy farm would be relocated to Ohio. He noted other dairy farms that were having to do the same and felt it was a shame. He appreciated that this parcel would be part of Metro's green space program as well as the difficulty of the decision. He knew that Mrs. Weber had the thanks of the council.

**Councilor McLain** added her thanks to the family and to the Green Space staff that had brought this wonderful opportunity to Metro. She was also raised on a dairy farm and reminisced about "a farm with character". Her father had said, the 'land felt good'. She shared memories of her childhood experience on the farm and expressed delight that her children would have an opportunity to walk on the land and hear the meadow larks.

**Councilor Washington** said that Mrs. Weber reminded him of his 7th/8th grade teacher. Mrs. Weber had the same kind of conviction that his teacher had had about Oregon and the land. He was glad that the Weber's had stayed in the area and were able to pass this on to Metro for others to enjoy.

**Presiding Officer Monroe** closed the public hearing.

**Councilor Atherton** echoed his thanks as well. He too had been a farm boy.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

*The Weber family received a round of applause.*

## 11. COUNCILOR COMMUNICATION

**Councilor Park** asked Dr. Bragdon to come to the dais and describe the Oregon Garden project as current chair of the foundation.

**Mr. Paul Bragdon** clarified that he was a trustee of the foundation. He was sure that Councilor Bragdon would be involved if this was in his district. However the garden was on a site in Silverton. This state had the climate and soil to produce a wide variety of plants. The nursery industry was a major industry for the state and this garden was a showcase for that industry too. He thought the gardens would bring people as visitors to Oregon and serve educational purposes for our residents.

**Councilor Park** asked if the gardens were fully funded.

**Mr. Bragdon** said that the project was not permanently funded but was a partnership between the City of Silverton and the Foundation. The city had the need to upgrade their water treatment facilities and dispose of the water once treated so the site of the garden would be where the water will flow and would be purified as it went through the garden and irrigated it. It served both a practical and esthetic purpose. It was a partnership between a community, the garden and its trustees. They were working on a site high on a ridge in Silverton providing a view of the coastal

range and the valley. There had been good public and private support during the first phase of this garden. There was much more to be done in future years. The gardens would be a multi-purpose place to see a variety of plants, it would include an educational component, and it would provide an opportunity for environmental issues to be addressed.

**Councilor Park** suggested that at some future date a fuller presentation be made to the council. The garden was a way of community upgrading a sewage treatment plant creating a beautiful amenity to go with it. This showed a partnership that we had with the rural environment. He added that this project could have been within this region but due to some prison siting issues it was moved to Silverton.

**Presiding Officer Monroe** suggested that next year if their scheduled a retreat at Silver Creek Falls Retreat Center they could have a field trip to the gardens.

**Councilor Atherton** said relative to the garden and the testing process he wondered about the use of pesticides versus other controls. He wondered if there was any experimentation going on like this at the gardens.

**Councilor Park** said one of the things that the Oregon Association of Nurseryman was involved in was integrated pest management. This was a philosophy of using limited pesticides and biological control as much as possible. He was sure that philosophy would be continued at the gardens where the least amount of pesticides, herbicides or fertilizers would be used in conjunction with that garden. Those concerns were being addressed within the industry and at the gardens.

**Councilor Bragdon** reported on a conference he attended that had implications for Metro's work as well as some potential developments at the federal level that Metro might want to take advantage of. The conference was put on by the Congress for the New Urbanism, which started out as a design/architecture group, which then expanded to include urban planners, developers, local officials, environmental organizations, historic preservationists, realtors as well as academicians from the fields of urban planning.

They started out with a design orientation and how to make cities more visually appealing. One of the most interesting things that he learned was the blend of commercial reality and theory and how you put the ideas to practice. He noted a book, Emerging Trends in Real Estate, which, over the last 20 years, interviewed everyone in the real estate industry and evaluated investment prospects. What they found was that it was not planning or prosperity nor was it the environment or the economy but a correlation between those places which had strong planning and strong environmental protection and that these actually went hand in hand with prosperity. Their findings also showed that not planning was not an antidote to growth. If you didn't plan you got growth that was not only environmentally ugly but destructive to the economy. He noted that they ranked Portland as the number one investment ranking of smaller markets in the county. Portland ranked number one followed by Salt Lake City Utah, Austin Texas, Orlando Florida and Charlotte North Carolina. The first four of those five were in the process of planning or had light rail systems. The other things that they had in common were multi-dimensional economies, cross roads of interstate highways, and a mixture of university and high tech. He quoted, "Portland's lifestyle and growth controls are major attractions, although developers chafe". It was a balanced document. He continued by reading about parts of other markets and what other places were learning from Portland, "until recently the consequences of suburban sprawl were far



enough off the horizon that the average investor neither cared nor thought seriously about them. That indifference is changing." He said, keep in mind this was being written for business people. "Residents of these areas are now increasingly fed up with sprawl and congestion and their overburdened poorly planned infrastructure can't handle it. Planning is key. People are coming to understand that without strong urban cores areas will ultimately flounder." He noted that the research went on to say how the cities that ten years ago were considered to be very attractive, Denver, Dallas, Houston and Phoenix, were now shut out of the top ten markets from a business perspective because their environment was so poor.

He noted that the first day they had a tour of the city of Milwaukie. Their challenges were very different yet similar to our region. They were trying to reverse decline as opposed to manage growth and prosperity. There was a good contingent from Portland. Milwaukie was trying to preserve an old industrial base, the Harley Davidson manufacturer and the brewing industry. Some of the common themes they had with our region were that the key was the value added manufacturing and that then the key public role was a good education system, that you needed to keep investing in that so you have workers for that industry and transportation distribution, the workers being able to get to work, the products being able to get to market. The other two points that they made about Milwaukie was the importance of conserving the old neighborhoods and the investment that had gone into that over the years and the restoration of their waterfront. In 1903 the Holmstead brothers visited Milwaukie just as they had visited Portland and made a plan to restore the river front. That plan sat on the shelves for 91 years. They started doing the plan in 1994 and now the entire area has come back to life. Finally, they toured a corridor of town which had been purchased by the state department of transportation to build an interstate highway which the mayor of that city and the neighborhood activist stopped. That corridor was now one of the most lively in town, that area had come to life rather than become a highway.

He concluded by saying that the market emphasis at this conference was creating social and economic wealth and how the environment and the economy went hand in hand. The conclusions that mayors and some of the developers reached were that public policy should not be based on charity or asking the federal government to bale you out, it should be based on the market, based on the prosperity of all of us: The second point where there was a lot of discussion was that stadiums and casinos were not the way to grow. You needed neighborhoods and solid good infrastructure. The investor firm, that did the study and presented where they wanted to invest, described what we were trying to create here in Portland; 24 hour mixed use areas, appealing neighborhoods, convenience, public safety and transit. There was also a presentation from the Silicon Valley Manufacturing group, a private business group in the San Jose area, similar to our west side economic alliance in Washington County. They said what their employers wanted was what they needed for their employees which was a way for them to get to work efficiently, parks near where they live and affordable housing. People in the Silicon Valley were expressing the same needs as our area and employers were stepping up and participating with government to do that. There were examples of infill emphasizing the importance of open spaces and good design being a key. This was something Metro could learn from them and they had much to learn from Metro as well. He noted that Forest Grove was also an example.

They talked about federal initiatives coming from the Environmental Protection Agency. There had been some change in federal policy which might present some really opportunities, some written almost with Metro in mind. There was skepticism about the federal government among this group with the feeling that some federal policies had been more detrimental to good planning than the other way around. He had asked Professor Pearl, from Canada, why it was that

so many Canadian cities were so livable and attractive. Professor Pearl's response was that Canada did not have a Department of Housing and Urban Development. The two good things that the federal government was doing was 1) the regional connections program which was similar to the \$500,000 grant that Metro had received for planning and 2) the Better America Bond program proposed by the Environmental Protection Agency. The purpose of this program was 1) preserve open spaces, 2) improve water quality and 3) remediate ground fields. This was a \$1.9 billion per year bonding authority which the federal government didn't provide the money, they provided a tax credit to the lending institution. This bought down the interest rate to zero over that fifteen year period for the jurisdiction that did it. Right now they were saying locality could apply for that bond program. Regional governments like ours were currently not in the draft. Metro needed to make sure that criteria for the credit got changed. One of the criteria for the credits was the applicant needed to encourage regional cooperation. This was what Metro was about and should be eligible for this program. This would come before congress in this upcoming budget.

**Presiding Officer Monroe** asked if anyone had let our congressional delegation know that Metro needed an amendment to get involved in this program.

**Councilor Bragdon** said this was the first time he had shared this with anyone at Metro. He added that Representative Blumhauer spoke at the conference. He had spoken to the representative about including Metro.

He said there were two other organizations, nationally, a funders network which included 25 foundations working in different areas to make land use studies and projects relevant to people with different interests and linking issues such as fish and wildlife habitat with transportation or historic preservation and affordable housing. The focus was on collaboration. These foundations might be of help to Metro. There was also a smart growth coalition which included the Enterprise Foundation, Trust for Public Land, and American Farm Land Trust. All of these had come together to work on these things at the federal level. He urged the council and Metro to be involved in these. He recommended that if Metro could get involved in this bonding program it could be a solution to some of the water quality issues that the region didn't have the funding for now and possible green space program. Congress for a New Urbanism had chosen to have their meeting in Portland next year. He suggested that Metro be involved as a co-sponsor and that we use that as an opportunity to show people what we had learned. As Councilor McLain was leading the council through the urban growth boundary process, he thought that some of these charettes and lessons from people who were actually doing this could be enormously valuable to people at the local level going through their planning process for the first time. He thought participation in this conference could be very beneficial to the entire region.

**Councilor Atherton** said that part of Councilor Bragdon's report seemed inconsistent with the suggestion to participate in yet another federal largess. The participants suggested focusing more on the market and the need to not have the federal government involved. He asked if anyone raised concerns with the bond project.

**Councilor Bragdon** said he thought there was a lot of skepticism on the part of people about running to Washington DC. to try to solve problems with a one size fits all urban renewal type program. He thought people found this approach refreshing because it was much more local discretion that you would tailor a package and the local communities willingness to support those bonds. The local community would initiate those bonds and the federal government's role

would be to come in and help by bringing the interest level down to zero. They were not telling the community how to do it, the community would be taking the proposal to the feds but the help was on the tax credit side.

**Councilor Atherton** said Councilor Bragdon also mentioned that these programs had caveats and conditions.

**Councilor McLain** appreciated Councilor Bragdon's presentation. There were several ideas he had brought forward which she encouraged him to bring to the Growth Management Committee. There had been past conferences that this agency had sponsored including a growth conference which dealt with growth and management of growth. She felt that this particular kind of public outreach and education was something that we could work forward on again. Staff had also brought information they got from these conferences as well as their own work, offering half or full day workshops to local planners. She thought that they could coordinate some of these ideas with their offerings.

She continued requesting that the June 10, 1999 letter from Charles Cameron of Washington County concerning Area 55 was entered into the record for Ordinance No. 99-809.

**Councilor Washington** suggested that Metro be a co-sponsor for next year's conference and that this be initiated right away by resolution.

**Presiding Officer Monroe** agreed whole heartedly.

**Councilor Atherton** commented on Councilor Bragdon's report and said he was a member of an organization, the Building Owners and Managers Association that had also looked of the issue of planning and prosperity. One thing that had come out in the last several years was that in Portland because of our planning effort, the urban growth boundary and efficient use of the resources it had stabilized investment and encouraged growth. This became important when considering the Urban Growth Report and the patterns of growth and change in the region but also to the charter mandate to have carrying capacity. By providing a stable investment environment, the solid use of maintaining livability that encouraged investment but it also changed your growth curve, at some point it has to come to stabilization. This had been recognized by the investment community and had in deed been taking place here in Portland.

**Councilor Kvistad** said he had also attended the Urban Lands Institute conference which dealt with some of Metro's specifics: the transit oriented development packages, reinventing and building town centers. This conference was tied to how you balance your investment in transportation with your land use and how you develop transit oriented developments, new town centers and new urban form. Metro had been talking about these issues but the conference allowed the opportunity for "visual lessons", things you could see rather than read on a piece of paper. The conference was two days of slide presentation, film and overviews. The funding packages had been an issue throughout the conference. He noted this was an issue with one of the local developers in this region who was building The Round. The project was terrific but people were not use to funding this new kind of development. The ability to see these kinds of developments was a real asset in the conference and made him aware of the need to have council have that opportunity as well. He suggested either having individuals make those types of presentations visually to the council or go and actually visit some of those sites. He really felt that the council was starting to see the value of having the seven council as well as the staff

involved. Up until now the Council had been busy putting out fires and trying to develop plans, now it was the information on how to make it better and implement the plan. He felt it was time to consider what was the new urban form, how you encouraged this, what was working, and how did you take what was working around the country and tie it into our experience.

**Presiding Officer Monroe** said he was one who liked to visualize projects. He would be in favor of a field trip to see some of the transit oriented development sites that were under construction in this region right now. He suggested Councilor Kvistad might want to be in charge of this tour. He thought the preview would allow a review before the conference next year so that this might be a component of the conference.

**Councilor McLain** said Phil Whitmore was in her office the other day and she had asked him to set up such a TOD field trip this summer. She had already been on the TOD trip in this area and there had been more items built since the last field trip. She suggested Mr. Whitmore be involved.

**Presiding Officer Monroe** asked if they could do this on MAX.

**Councilor McLain** said you could do both but there were some sites that could not be viewed from the MAX line. She thought a multi-model approach might be a better approach to viewing the sites.

**Councilor Washington** said for the public, he suggested Councilor McLain explain what TOD meant.

**Councilor McLain** said TOD, Transit Oriented Development meant something that was on a bus line, the MAX or a train. Intermodal transportation system would include the auto, the bus, the train and the bike.

**Councilor Kvistad** added that freight was included in this TOD.

**Presiding Officer Monroe** said TODs normally involved both high density residential with small shops and other amenities on a light rail or high frequency bus transit line.

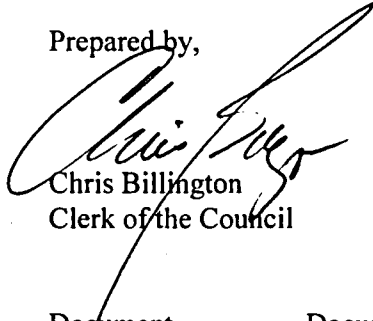
**Councilor Atherton** said Portland was developed as a TOD by 41 trolley companies. TODs had been around for some time. One thing being learned was that you have to plan these TODs up front, you don't just come in and retrofit easily.

**Presiding Officer Monroe** concluded by saying that when he was young he used to ride the trolleys all over the metropolitan area.

**12. ADJOURN**

There being no further business to come before the Metro Council, Presiding Officer Monroe adjourned the meeting at 3:32 p.m.

Prepared by,



Chris Billington  
Clerk of the Council

| Document Number | Document Date | Document Title   | TO/FROM  | RES/ORD         |
|-----------------|---------------|--|--|-----------------|
| 061099c-01      | 6/10/99       | Letter concerning Urban Reserve 55   | TO: Presiding Officer Monroe<br>FROM: Charles Cameron, County Administrator, Washington County | Ord. No. 99-809 |
| 061099c-02      | 6/10/99       | Letter on behalf of Citizens Against Irresponsible Growth and 16 attached documents concerning Urban Reserve 55. Letter includes request to include in record 13 items from Ord No. 98-788C and Res No. 98-2728C | TO: Metro Council<br>FROM: Lawrence Derr, Law Offices of Josselson, Potter and Roberts         | Ord No. 99-809  |



**METRO**

Date: June 11, 1999  
 To: Rod Monroe, Council Presiding Officer  
 From: Mike Burton, Executive Officer  
 Re: TECHNICAL ADJUSTMENTS TO THE FY 1999-00 APPROVED BUDGET

Since the approval of the FY 1999-00 budget, a number of technical additional adjustments to various funds have been identified. Technical adjustments consist of carryovers of uncompleted projects from FY 1998-99, amendments to grant funded projects already included in the proposed budget, and corrections of technical errors. The technical adjustments are explained by fund along with the fiscal impact of each of the changes.

Some of these changes will affect the cost allocation plan, which will result in minor adjustments in transfers. Those adjustments are not shown here, pending a new run of the cost allocation plan. The adjusted transfers will be included in the Schedule of Appropriations to be adopted on June 17.

**General Fund/Regional Parks Fund – Excise Tax Adjustments**

1. Change to Beginning Fund Balance

As has been discussed previously with the Council, the excise tax receipts in FY 1998-99 will be lower than anticipated. This affects the beginning fund balance for FY 1999-00. The new fund balance will be \$556,977 rather than \$823,000.

2. Change to Excise Tax Receipts

In addition to the change in beginning fund balance, and has been previously discussed with Council, a revised tonnage forecast for FY 1999-00 shows that the excise tax anticipated to be received next year will be lower than anticipated in the budget. The anticipated excise tax revenues should be adjusted from \$8,115,237 to \$7,834,528.

3. Change in Transfers Out to Parks

The transfers out to Regional Parks and Greenspaces are based upon several factors including the amount of excise tax that is earned on solid waste. The amount generated by the additional 1% excise tax charged on solid waste activities is dedicated to Parks. As a result of the revised tonnage forecast mentioned above, the total amount of excise tax received from solid waste activities is reduced. Therefore, there is a corresponding decrease in the transfer from the General Fund to Parks. The change equals \$33,581.

4. Changes to Contingency and Ending Fund Balance

The changes to resources necessitate changes to contingency and ending fund balance. Contingency is reduced from \$491,160 to \$190,067 and ending fund balance is reduced from \$212,058 to zero.

The results of these changes are listed below:

**General Fund**

**Resources**

|                        |                        |                     |
|------------------------|------------------------|---------------------|
| 3500                   | Beginning Fund Balance | \$ (266,023)        |
| 4050                   | Excise Taxes           | (280,709)           |
| <b>Total Resources</b> |                        | <b>\$ (546,732)</b> |

**Requirements**

|                           |   |                     |
|---------------------------|---|---------------------|
| 5810                      | Transfer of Resources<br>to Reg Parks Fund (1% on Solid Waste Revenues) | \$ (33,581)         |
| 5999                      | Contingency   | (301,093)           |
| 5990                      | Ending Fund Balance   | (212,058)           |
| <b>Total Requirements</b> |   | <b>\$ (546,732)</b> |

**Regional Parks Fund**

**Resources**

|                        |   |                    |
|------------------------|---|--------------------|
| 4970                   | Transfer of Resources<br>From General Fund (1% on Solid Waste Revenues) | \$ (33,581)        |
| <b>Total Resources</b> |   | <b>\$ (33,581)</b> |

**Requirements**

|                           |                     |                    |
|---------------------------|---------------------|--------------------|
| 5990                      | Ending Fund Balance | \$ (33,581)        |
| <b>Total Requirements</b> |                     | <b>\$ (33,581)</b> |

**Planning Fund (Growth Management Services Department)**

The Growth Management Services Department has identified five projects which need to be adjusted to reflect carry over into FY 1999-00. Four of the projects require carry over of appropriations; one project requires a decrease in carry over. The five projects are:

1. Goal 5 Analysis of Regional Resources for Fish & Wildlife \$54,000

This work supports Title 3 of the Urban Growth Management Functional Plan. An 18 month workplan was developed for this portion of the project, but that workplan was delayed due to work required by a Dept. Of Land Conservation and Development grant project.

2. Housing Location Efficient Mortgage Feasibility Study \$18,000

The Center for Neighborhood Technology has developed and patented software to calculate a family's transportation and density-related savings, which are then used to increase the buying power of households seeking mortgages for homes in transit-friendly neighborhoods. Metro has contracted with CNT to use data from this software to develop mortgages specific to local conditions. This work is underway and will not be completed until next fiscal year. This project is funded with \$10,000 in state grants and \$8,000 in local grants.

3. Public Involvement Grant to Forest Grove and Gresham \$7,500

Metro recently awarded Forest Grove a public involvement grant of \$2,500 and Gresham a public involvement grant for \$5,000. The cities will not spend these funds until next fiscal year, and so the department is requesting a carry over of these two amounts.

4. Urban Growth Report/Performance Measures Intern \$3,500

The department budgeted for an intern in FY 1998-99 to assist with data collection and analyses of building permit data for the residential refill project. This project is requiring more work than originally planned, and so work will continue into FY 1999-00.

**Planning Fund**

**Resources**

|                            |                        |                 |
|----------------------------|------------------------|-----------------|
| 3500                       | Beginning Fund Balance | \$65,000        |
| 4110                       | State Grants           | 10,000          |
| 4120                       | Local Grants           | 8,000           |
| <b>Total New Resources</b> |                        | <b>\$83,000</b> |

**Requirements**

|                               |                                  |                 |
|-------------------------------|----------------------------------|-----------------|
| 5240                          | Contracted Professional Services | \$72,000        |
| 5300                          | Payments to Other Agencies       | 11,000          |
| <b>Total New Requirements</b> |                                  | <b>\$83,000</b> |

**Solid Waste Revenue Fund (Regional Environmental Management Department)**

The Regional Environmental Management Department has identified a number of capital projects and contracts that will require carryover and reappropriation in FY 1999-00. A list of the requested carryovers is as follows:

1. Killingsworth Fast Disposal (KFD) \$600,000

Negotiations with DEQ regarding Metro's financial assistance to replace the defective gas collection system at the KFD Landfill have been successfully completed but final approval of this payment has been delayed and will not be made before the end of the fiscal year.



2. Extend the Commercial Floor at Metro South \$173,700

This project was not completed in FY 1998-99 due to difficulties in designing the transition between the new and old structures. The anticipated completion date is now September, 1999.

3. RSWMP Implementation \$40,000

These funds are for assessment of service needs for transfer stations and hazardous waste called for by the Regional Solid Waste Management Plan. These studies were delayed because they required that the Metro Code and plan revisions for direct-haul facilities be in place. This did not occur until late in 1998. These studies will now be completed by October 1999.

4. Latex Paint Building \$100,000

Liquidated damages of \$56,000 are being withheld under the contract, which the contractor is expected to contest. If Metro has to settle a claim, it will not take place until next fiscal year. Also, the contractor is not on schedule to complete the project this fiscal year. The estimated value of items to be completed next fiscal year is \$44,000.

5. Organics Phase II \$140,000

Phase I of Metro's organics program consisted of two pilot projects to study development of processing capacity of organics from businesses such as groceries and restaurants. These pilot programs were not completed until the spring of 1999. Phase II, originally expected to begin in early FY 1998-99, could not begin until the pilots were completed. Obtaining the agreement of local governments on the next steps that should be taken in developing organics capacity is also necessary. Metro expects to reach this consensus with local governments later this summer and proceed with Phase II of the organics recovery program during FY 1999-00.

6. Recycling Business Assistance Account – Mursen Grant \$51,000

Mursen Environmental, holder of a grant approved by the Metro Council in December, 1998, has informed the department that the grant has leveraged more private investment than they anticipated and they are requesting to delay draws on the grant until needed. The department is requesting that the future draws come from the Business Assistant Account rather than the Operating Account to allow any repayment of the grant by Mursen to be used for future business assistance grants or loans.

These requests will require the following adjustments to the General Account and Business Recycling Assistant Account in the Solid Waste Revenue Fund.

**Solid Waste Revenue Fund**

***General Account***

**Resources**

|                            |                        |                    |
|----------------------------|------------------------|--------------------|
| 3500                       | Beginning Fund Balance | \$1,053,700        |
| <b>Total New Resources</b> |                        | <b>\$1,053,700</b> |

**Requirements**

|                               |                                  |                    |
|-------------------------------|----------------------------------|--------------------|
| 5725                          | Building & Related (CIP)         | \$873,700          |
| 5240                          | Contracted Professional Services | 180,000            |
| <b>Total New Requirements</b> |                                  | <b>\$1,053,700</b> |

***Recycling Business Assistance Account***

**Resources**

|                            |                        |                 |
|----------------------------|------------------------|-----------------|
| 3500                       | Beginning Fund Balance | \$51,000        |
| <b>Total New Resources</b> |                        | <b>\$51,000</b> |

**Requirements**

|                               |                |                 |
|-------------------------------|----------------|-----------------|
| 5445                          | Grants & Loans | \$51,000        |
| <b>Total New Requirements</b> |                | <b>\$51,000</b> |

**Regional Parks Fund/Open Spaces Fund (Regional Parks and Greenspaces Department)**

Delays in both the permit process and property acquisition has resulted in the need to carryover funds for the Oxbow Park and M. James Gleason capital projects. The design phase of the Oxbow Park project is now expected to be completed in early FY 1999-00, with construction to begin shortly thereafter. Property acquisition will be completed early next fiscal year for the M. James Gleason project and, at that time, the project can then follow the revised schedule.

This project schedule change requires the following adjustments in both the Regional Parks and Open Spaces Funds:

**Regional Parks Fund**

**Resources**

|                            |                                |                  |
|----------------------------|--------------------------------|------------------|
| 3500                       | Beginning Fund Balance         | \$12,100         |
| 4100                       | Federal Grants                 | 40,000           |
| 4110                       | State Grants                   | (95,917)         |
| 4120                       | Local Grants                   | 75,000           |
| 4980                       | Transfer from Open Spaces Fund | 370,047          |
| <b>Total New Resources</b> |                                | <b>\$401,230</b> |

**Requirements**

|                               |  |                  |
|-------------------------------|--|------------------|
| 5705                          | Land (CIP)                               | \$(352,051)      |
| 5715                          | Improvements – Other than Building (CIP) | 753,281          |
| <b>Total New Requirements</b> |  | <b>\$401,230</b> |

**Open Spaces Fund**

**Requirements**

|                               |                                 |            |
|-------------------------------|---------------------------------|------------|
| 5820                          | Transfer to Regional Parks Fund | \$370,047  |
| 5990                          | Unappropriated Fund Balance     | (370,047)  |
| <b>Total New Requirements</b> |                                 | <b>\$0</b> |

**Smith & Bybee Lakes Trust Fund (Regional Parks and Greenspaces Department)**

Review of recent expenditure and revenue trends indicate that the Beginning Fund Balance in this fund will be approximately \$50,000 less than initially anticipated. This adjustment to the fund is necessary to reflect the current trend.

**Smith & Bybee Lakes Trust Fund**

**Resources**

|                            |                        |                   |
|----------------------------|------------------------|-------------------|
| 3500                       | Beginning Fund Balance | \$(50,000)        |
| <b>Total New Resources</b> |                        | <b>\$(50,000)</b> |

**Requirements**

|                               |                             |                   |
|-------------------------------|-----------------------------|-------------------|
| 5990                          | Unappropriated Fund Balance | \$(50,000)        |
| <b>Total New Requirements</b> |                             | <b>\$(50,000)</b> |

**Support Services Fund (Auditor's Office)**

Two projects in the Auditor's Office will not be completed prior to the end of the 1999-99 fiscal year. These two projects are outlined below:

1. InfoLink Project Review \$23,000

The review of the InfoLink Project and completion of the recommendations has been carried forward due to the unanticipated delay in the implementation of Version 6.0. It is expected that this project will be completed within the first half of next fiscal year.

2. Benchmarking Project \$4,000

The work on benchmarking two of the four planned for benchmarking reviews have been completed. The remaining two (Accounting and Information Services) are in progress and will probably be completed early next fiscal year.

The following chart shows the impact on the Support Services Fund.

**Support Services Fund**

|                               |                                  |                  |
|-------------------------------|----------------------------------|------------------|
| <b>Resources</b>              |                                  |                  |
| 3500                          | Beginning Fund Balance           | \$ 27,000        |
| <b>Total New Resources</b>    |                                  | <b>\$ 27,000</b> |
| <b>Requirements</b>           |                                  |                  |
| 5240                          | Contracted Professional Services | \$ 27,000        |
| <b>Total New Requirements</b> |                                  | <b>\$ 27,000</b> |

**Zoo Capital Fund**

Three projects that were scheduled for construction during FY 1998-99 will not be completed and will need to be carried over to FY 1999-00. They are:

1. Lory Enclosure \$200,000

Some of the work on this project has been delayed due to technical and weather related problems. It is anticipated that the project will be completed next fiscal year.

2. Penquinarium Mechanicals & Roof \$99,700

The work on this project has been delayed due to the births of new penguins. As the environment for these animals is very sensitive, it was decided to place a hold on the project until the new birds are able to handle any slight changes to the environment that may occur during construction. Delaying this project to a less busy time of the year also has a lower impact on visitors to the Zoo.

3. Elephant Barn Improvements \$50,000

The improvements in the Elephant Barn have been delayed until next fiscal year. This is due to the timing with the importation of a new elephant. It is expected that this project will be completed next fiscal year.

The changes to the Zoo Capital Fund are listed below:

**Zoo Capital Fund**

|                               |                           |                   |
|-------------------------------|---------------------------|-------------------|
| <b>Resources</b>              |                           |                   |
| 3500                          | Beginning Fund Balance    | \$ 349,700        |
| <b>Total New Resources</b>    |                           | <b>\$ 349,700</b> |
| <b>Requirements</b>           |                           |                   |
| 5725                          | Buildings & Related (CIP) | \$ 349,700        |
| <b>Total New Requirements</b> |                           | <b>\$ 349,700</b> |

**General Revenue Bond Fund**

As discussed with the Budget/Finance Committee, there has been a LUBA appeal submitted regarding the construction of the auxiliary lot that serves the Western Forestry Center, the Portland Children's Museum and the Oregon Zoo. Metro has managed the construction of the main parking lot and intended to complete the auxiliary lot in FY 1998-99. The appeal has stopped construction on the auxiliary lot and necessitates a carry over of \$125,000 to cover the cost of that construction.

The adjustments to the General Revenue Bond Fund are listed below:

**General Revenue Bond Fund**

|                               |                           |                   |
|-------------------------------|---------------------------|-------------------|
| <b>Resources</b>              |                           |                   |
| 3500                          | Beginning Fund Balance    | \$ 125,000        |
| <b>Total New Resources</b>    |                           | <b>\$ 125,000</b> |
| <br>                          |                           |                   |
| <b>Requirements</b>           |                           |                   |
| 5725                          | Buildings & Related (CIP) | \$ 125,000        |
| <b>Total New Requirements</b> |                           | <b>\$ 125,000</b> |

## **Changes in Definition of Capital Outlay**

Metro has recently changed its definition of capital outlay from items with a unit cost of \$1,000 and a life of one year or more to items with a unit cost of \$5,000 and a life of one year or more. This change brings Metro into compliance with federal grant definitions, and it is consistent with the definition used by other governments in Oregon. Purchases of items with a unit cost less than \$5,000 are now considered materials and services.

This revision necessitates a change of appropriations from capital outlay to materials and services as outlined below.

| <b>Fund/Department</b>          | <b>Amount to be Changed<br/>from Capital Outlay to<br/>Materials and Services</b> |
|---------------------------------|---|
| <i>General Fund</i>             |   |
| Council Office                  | 4,000   |
| Office of the Executive Officer | 16,500  |
| <i>Solid Waste Revenue Fund</i> | 91,525  |
| <i>Regional Parks Fund</i>      | 2,300   |
| <i>Open Spaces Fund</i>         | 2,500   |
| <i>Support Services Fund</i>    |   |
| Administrative Services         | 5,540   |
| Auditor's Office                | 3,182   |
| <i>Planning Fund</i>            |   |
| Transportation                  | 24,000  |
| Growth Management               | 48,500  |
| <i>MERC Operating Fund</i>      | 17,366  |
| <i>Zoo Operating Fund</i>       | 27,700  |

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cc: Councilor Atherton  
Councilor Bragdon  
Councilor Kvistad  
Councilor McLain  
Councilor Park  
Councilor Washington  
Jennifer Sims, Director of Administrative Services/Chief Financial Officer  
Craig Prosser, Financial Planning Manager  
Kathy Rutkowski, Budget Coordinator  
Tom Imdieke, CIP Coordinator  
Cherie Yasami, Financial Planning Analyst  
Financial Planning Advisory Team



**METRO**

Date: June 11, 1999  
 To: Rod Monroe, Council Presiding Officer  
 From: Mike Burton, Executive Officer  
 Re: SUBSTANTIVE ADJUSTMENTS TO THE FY 1999-00 APPROVED BUDGET

Since the approval of the FY 1999-00 budget, a number of substantive adjustments to various funds have been identified. Substantive adjustments consist of new items or additions not previously reviewed or approved by Council. The substantive adjustments are explained by fund along with the fiscal impact of each of the changes.

**Support Services Fund (Administrative Services Department)**

In response to a request from the Zoo for additional network and computer technical support, Administrative Services requests an addition of .50 FTE Technical Specialist in the Information Management Services Division. The additional costs will be paid by the Zoo Operating Fund through its transfers as allocated through the cost allocation plan.

Support Services Fund

|                               |                                     |                 |
|-------------------------------|-------------------------------------|-----------------|
| <b>Resources</b>              |                                     |                 |
| 4975                          | Transfers for Indirect Costs        |                 |
|                               | From Zoo Operating Fund             | \$25,107        |
| <b>Total New Resources</b>    |                                     | <b>\$25,107</b> |
| <br>                          |                                     |                 |
| <b>Requirements</b>           |                                     |                 |
| 5015                          | Reg. Employees-Full-Time-Non-Exempt | \$17,487        |
| 5100                          | Fringe Benefits                     | 6,120           |
| 5201                          | Office Supplies                     | 1,500           |
| <b>Total New Requirements</b> |                                     | <b>\$25,107</b> |
| <br>                          |                                     |                 |
|                               | Technical Specialist                | .50             |
| <b>Total FTE</b>              |                                     | <b>.50</b>      |

Zoo Operating Fund

|                               |                                    |            |
|-------------------------------|------------------------------------|------------|
| <b>Requirements</b>           |                                    |            |
| 5800                          | Transfer for Indirect Costs        |            |
|                               | To Support Services Fund           | \$25,107   |
| 5990                          | Unappropriated Ending Fund Balance | (25,107)   |
| <b>Total New Requirements</b> |                                    | <b>\$0</b> |

**Planning Fund (Growth Management Services Department)**

The Growth Management Services Department is requesting three substantive amendments to its FY 1999-00 budget:

1. Annexation Services

On January 1, 1999, the Portland Metropolitan Boundary Commission ceased operations and its duties became the responsibility of local jurisdictions. Metro, as required under state law, established an Appeal Commission for local government boundary changes. Boundary Commission records were moved to Metro so that past actions are available for reference and research. Metro's Geographic Information System (GIS) maps have been updated and are now the master set of boundary maps for the region.

Metro offered staff assistance for annexation processing to local governments as an optional service. The three counties and the City of Portland took advantage of the six-month pilot program for these services offered in FY 1998-99. The three counties and Portland have requested to continue these services in FY 1999-00 and have agreed to pay a subscription fee.

In addition to these optional services, Metro must also provide mapping services and coordination with the State of Oregon to keep regional boundary maps current. The costs of this service are paid by boundary change application fees. The department projects revenues from these fees of \$24,000 in FY 1999-00.

The FY 1999-00 budget should be amended to recognize the revenue from these fees and to create 1.0 FTE in the Growth Management Services Department to perform this work. If approved, this change in the FY 1999-00 budget will also result in minor adjustments to cost allocation transfers.

**Planning Fund (Growth Management Services Department)**

|                               |                                  |                  |
|-------------------------------|----------------------------------|------------------|
| <b>Resources</b>              |                                  |                  |
| 4140                          | Local Government Service Fees    | 174,000          |
| <b>Total New Resources</b>    |                                  | <b>\$174,000</b> |
| <b>Requirements</b>           |                                  |                  |
| 5010                          | Reg. Employees, Full-Time Exempt | \$60,275         |
| 5100                          | Fringe Benefits                  | 20,945           |
| 5201                          | Office Supplies                  | 14,600           |
| 5240                          | Contracted Professional Services | 5,000            |
| 5280                          | Other Purchased Services         | 20,000           |
| <b>Total Operating Costs</b>  |                                  | <b>\$120,820</b> |
| 5999                          | Contingency                      | \$53,180         |
| <b>Total New Requirements</b> |                                  | <b>\$174,000</b> |
| Program Analyst IV            |                                  | 1.00             |
| <b>Total FTE</b>              |                                  | <b>1.00</b>      |



Technical Adjustments to the FY 1999-00 Proposed Budget  
June 11, 1999

2. National Spatial Data Infrastructure Cooperative Agreements Program

Metro has been awarded a new grant of \$13,858 from the US Geological Survey to help organize and retrieve diverse GIS data sets in the region. For more than 10 years, Metro has coordinated GIS data development in the region, but different local GIS systems still use different data sets. This grant will allow Metro to develop data about this diverse data (metadata) and help to organize and retrieve it over the internet. If approved, this change in the FY 1999-00 budget may also result in minor adjustments to cost allocation transfers.

**Planning Fund (Growth Management Services Department)**

| <b>Resources</b>              |                     |                 |
|-------------------------------|---------------------|-----------------|
| 4110                          | Federal Grants      | \$13,858        |
| <b>Total New Resources</b>    |                     | <b>\$13,858</b> |
| <b>Requirements</b>           |                     |                 |
| 5030                          | Temporary Employees | \$6,583         |
| 5100                          | Fringe Benefits     | 725             |
| 5201                          | Office Supplies     | 6,350           |
| 5450                          | Travel              | 200             |
| <b>Total New Requirements</b> |                     | <b>\$13,858</b> |

3. Transportation and Community System Preservation Pilot Program

Metro has received a \$500,000 grant from the Federal Highway Administration for urban reserve planning in Clackamas County. This grant funds an innovative, multi-agency partnership to plan for the transportation, land-use, and environmental impact of a portion of the urban reserves. Clackamas County, Portland, Gresham, and ODOT are partners in this program. The grant is for a two-year period. The following adjustment reflects the FY 1999-00 portion of this grant.

**Planning Fund (Growth Management Services Department)**

| <b>Resources</b>              |                            |                  |
|-------------------------------|----------------------------|------------------|
| 4110                          | Federal Grants             | \$275,000        |
| <b>Total New Resources</b>    |                            | <b>\$275,000</b> |
| <b>Requirements</b>           |                            |                  |
| 5300                          | Payments to Other Agencies | \$255,000        |
| <b>Total Operating Costs</b>  |                            | <b>\$255,000</b> |
| 5999                          | Contingency                | \$20,000         |
| <b>Total New Requirements</b> |                            | <b>\$275,000</b> |

Technical Adjustments to the FY 1999-00 Proposed Budget  
June 11, 1999

cc: Councilor Atherton  
Councilor Bragdon  
Councilor Kvistad  
Councilor McLain  
Councilor Park  
Councilor Washington  
Jennifer Sims, Director of Administrative Services/Chief Financial Officer  
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Financial Planning Advisory Team

**Exhibit C**  
**FY 1999-00 SCHEDULE OF APPROPRIATIONS**

|  | <u>Proposed<br/>Budget</u> | <u>Approved<br/>Budget</u> | <u>Revision</u>    | <u>Adopted<br/>Budget</u> |
|--|----------------------------|----------------------------|--------------------|---------------------------|
| <b>BUILDING MANAGEMENT FUND</b>                  |                            |                            |                    |                           |
| Operating Expenses (PS & M&S)                    | \$747,580                  | \$747,580                  | \$0                | \$747,580                 |
| Capital Outlay                                   | 15,000                     | 15,000                     | 0                  | 15,000                    |
| Interfund Transfers                              | 1,689,020                  | 1,689,020                  | 0                  | 1,689,020                 |
| Contingency                                      | 45,422                     | 45,422                     | 0                  | 45,422                    |
| Unappropriated Balance                           | 1,183,815                  | 1,183,815                  | 0                  | 1,183,815                 |
| <b>Total Fund Requirements</b>                   | <b>\$3,680,837</b>         | <b>\$3,680,837</b>         | <b>\$0</b>         | <b>\$3,680,837</b>        |
| <b>CONVENTION CENTER PROJECT CAPITAL FUND</b>    |                            |                            |                    |                           |
| Operating Expenses (PS & M&S)                    | \$0                        | \$325,000                  | \$0                | \$325,000                 |
| Capital Outlay                                   | 0                          | 5,665,000                  | 0                  | 5,665,000                 |
| Interfund Transfers                              | 0                          | 0                          | 0                  | 0                         |
| Contingency                                      | 0                          | 510,000                    | 0                  | 510,000                   |
| Unappropriated Balance                           | 0                          | 105,000                    | 0                  | 105,000                   |
| <b>Total Fund Requirements</b>                   | <b>\$0</b>                 | <b>\$6,605,000</b>         | <b>\$0</b>         | <b>\$6,605,000</b>        |
| <b>GENERAL FUND</b>                              |                            |                            |                    |                           |
| Council Office                                   |                            |                            |                    |                           |
| Operating Expenses (PS & M&S)                    | \$1,125,418                | \$1,136,990                | \$188,230          | \$1,325,220               |
| Capital Outlay                                   | 4,000                      | 4,000                      | (4,000)            | 0                         |
| <b>Subtotal</b>                                  | <b>1,129,418</b>           | <b>1,140,990</b>           | <b>184,230</b>     | <b>1,325,220</b>          |
| Office of the Executive Officer                  |                            |                            |                    |                           |
| Operating Expenses (PS & M&S)                    | 1,517,578                  | 1,518,699                  | 16,500             | 1,535,199                 |
| Capital Outlay                                   | 16,500                     | 16,500                     | (16,500)           | 0                         |
| <b>Subtotal</b>                                  | <b>1,534,078</b>           | <b>1,535,199</b>           | <b>0</b>           | <b>1,535,199</b>          |
| Special Appropriations                           |                            |                            |                    |                           |
| Materials & Services                             | 150,000                    | 175,000                    | 0                  | 175,000                   |
| <b>Subtotal</b>                                  | <b>150,000</b>             | <b>175,000</b>             | <b>0</b>           | <b>175,000</b>            |
| General Expenses                                 |                            |                            |                    |                           |
| Interfund Transfers                              | 6,767,020                  | 6,786,252                  | 77,720             | 6,863,972                 |
| Contingency                                      | 500,000                    | 491,160                    | (295,754)          | 195,406                   |
| <b>Subtotal</b>                                  | <b>7,267,020</b>           | <b>7,277,412</b>           | <b>(218,034)</b>   | <b>7,059,378</b>          |
| Unappropriated Balance                           | 217,411                    | 212,058                    | (212,058)          | 0                         |
| <b>Total Fund Requirements</b>                   | <b>\$10,297,927</b>        | <b>\$10,340,659</b>        | <b>(\$245,862)</b> | <b>\$10,094,797</b>       |
| <b>GENERAL OBLIGATION BOND DEBT SERVICE FUND</b> |                            |                            |                    |                           |
| Debt Service                                     | \$19,102,124               | \$19,102,124               | \$0                | \$19,102,124              |
| Unappropriated Balance                           | 11,663,967                 | 11,663,967                 | 0                  | 11,663,967                |
| <b>Total Fund Requirements</b>                   | <b>\$30,766,091</b>        | <b>\$30,766,091</b>        | <b>\$0</b>         | <b>\$30,766,091</b>       |
| <b>GENERAL REVENUE BOND FUND</b>                 |                            |                            |                    |                           |
| Construction Account                             |                            |                            |                    |                           |
| Capital Outlay                                   | \$23,091                   | \$23,091                   | \$0                | \$23,091                  |
| <b>Subtotal</b>                                  | <b>23,091</b>              | <b>23,091</b>              | <b>0</b>           | <b>23,091</b>             |
| Project Account                                  |                            |                            |                    |                           |
| Capital Outlay                                   | 0                          | 0                          | 125,000            | 125,000                   |
| <b>Subtotal</b>                                  | <b>0</b>                   | <b>0</b>                   | <b>125,000</b>     | <b>125,000</b>            |

**Exhibit C**  
**FY 1999-00 SCHEDULE OF APPROPRIATIONS**

|                                   | <u>Proposed<br/>Budget</u> | <u>Approved<br/>Budget</u> | <u>Revision</u>  | <u>Adopted<br/>Budget</u> |
|-----------------------------------|----------------------------|----------------------------|------------------|---------------------------|
| <b>Debt Service Account</b>       |                            |                            |                  |                           |
| Debt Service                      | 2,226,078                  | 2,226,078                  | 0                | 2,226,078                 |
| Subtotal                          | 2,226,078                  | 2,226,078                  | 0                | 2,226,078                 |
| <b>General Expenses</b>           |                            |                            |                  |                           |
| Interfund Transfers               | 0                          | 0                          | 0                | 0                         |
| Contingency                       | 395,000                    | 395,000                    | 0                | 395,000                   |
| Subtotal                          | 395,000                    | 395,000                    | 0                | 395,000                   |
| Unappropriated Balance            | 2,095,119                  | 2,095,119                  | 0                | 2,095,119                 |
| <b>Total Fund Requirements</b>    | <b>\$4,739,288</b>         | <b>\$4,739,288</b>         | <b>\$125,000</b> | <b>\$4,864,288</b>        |
| <b>MERC OPERATING FUND</b>        |                            |                            |                  |                           |
| Operating Expenses (PS & M&S)     | \$26,950,785               | \$26,477,693               | \$36,866         | \$26,514,559              |
| Debt Service                      | 1,378,954                  | 2,513,415                  | 0                | 2,513,415                 |
| Capital Outlay                    | 17,628,816                 | 7,659,816                  | (17,366)         | 7,642,450                 |
| Interfund Transfers               | 1,582,500                  | 0                          | 0                | 0                         |
| Contingency                       | 1,074,182                  | 1,074,182                  | (19,500)         | 1,054,682                 |
| Unappropriated Balance            | 7,975,678                  | 19,390,952                 | 0                | 19,390,952                |
| <b>Total Fund Requirements</b>    | <b>\$56,590,915</b>        | <b>\$57,116,058</b>        | <b>\$0</b>       | <b>\$57,116,058</b>       |
| <b>MERC POOLED CAPITAL FUND</b>   |                            |                            |                  |                           |
| Capital Outlay                    | \$0                        | \$0                        | \$0              | \$0                       |
| Interfund Transfers               | \$0                        | \$0                        | \$0              | \$0                       |
| Contingency                       | 0                          | 0                          | 0                | 0                         |
| Unappropriated Balance            | 4,889,610                  | 4,889,610                  | 0                | 4,889,610                 |
| <b>Total Fund Requirements</b>    | <b>\$4,889,610</b>         | <b>\$4,889,610</b>         | <b>\$0</b>       | <b>\$4,889,610</b>        |
| <b>OPEN SPACES FUND</b>           |                            |                            |                  |                           |
| Operating Expenses (PS & M&S)     | \$8,722,164                | \$11,299,110               | \$2,500          | \$11,301,610              |
| Capital Outlay                    | 25,607,960                 | 25,607,960                 | (2,500)          | 25,605,460                |
| Interfund Transfers               | 2,131,844                  | 2,178,511                  | 424,065          | 2,602,576                 |
| Contingency                       | 25,000,000                 | 25,000,000                 | 0                | 25,000,000                |
| Unappropriated Balance            | 886,828                    | 840,161                    | (424,065)        | 416,096                   |
| <b>Total Fund Requirements</b>    | <b>\$62,348,796</b>        | <b>\$64,925,742</b>        | <b>\$0</b>       | <b>\$64,925,742</b>       |
| <b>PLANNING FUND</b>              |                            |                            |                  |                           |
| <b>Transportation Planning</b>    |                            |                            |                  |                           |
| Operating Expenses (PS & M&S)     | \$8,908,815                | \$12,860,513               | \$24,000         | \$12,884,513              |
| Debt Service                      | 1,074,500                  | 1,074,500                  | 0                | 1,074,500                 |
| Capital Outlay                    | 24,000                     | 514,000                    | (24,000)         | 490,000                   |
| Subtotal                          | 10,007,315                 | 14,449,013                 | 0                | 14,449,013                |
| <b>Growth Management Services</b> |                            |                            |                  |                           |
| Operating Expenses (PS & M&S)     | 3,326,900                  | 3,490,264                  | 521,178          | 4,011,442                 |
| Debt Service                      | 91,230                     | 91,230                     | 0                | 91,230                    |
| Capital Outlay                    | 72,500                     | 72,500                     | (48,500)         | 24,000                    |
| Subtotal                          | 3,490,630                  | 3,653,994                  | 472,678          | 4,126,672                 |

**Exhibit C**  
**FY 1999-00 SCHEDULE OF APPROPRIATIONS**

|  | <u>Proposed<br/>Budget</u> | <u>Approved<br/>Budget</u> | <u>Revision</u>   | <u>Adopted<br/>Budget</u> |
|--|----------------------------|----------------------------|-------------------|---------------------------|
| <b>General Expenses</b>                      |                            |                            |                   |                           |
| Interfund Transfers                          | 2,310,157                  | 2,328,012                  | 79,301            | 2,407,313                 |
| Contingency                                  | 341,640                    | 406,935                    | 63,608            | 470,543                   |
| <b>Subtotal</b>                              | <b>2,651,797</b>           | <b>2,734,947</b>           | <b>142,909</b>    | <b>2,877,856</b>          |
| <b>Unappropriated Balance</b>                | <b>0</b>                   | <b>0</b>                   | <b>0</b>          | <b>0</b>                  |
| <b>Total Fund Requirements</b>               | <b>\$16,149,742</b>        | <b>\$20,837,954</b>        | <b>\$615,587</b>  | <b>\$21,453,541</b>       |
| <b>REGIONAL PARKS FUND</b>                   |                            |                            |                   |                           |
| Operating Expenses (PS & M&S)                | \$4,038,064                | \$4,245,615                | \$2,300           | \$4,247,915               |
| Debt Service                                 | 0                          | 0                          | 0                 | 0                         |
| Capital Outlay                               | 2,378,176                  | 2,590,681                  | 398,930           | 2,989,611                 |
| Interfund Transfers                          | 815,077                    | 821,095                    | 31,466            | 852,561                   |
| Contingency                                  | 221,723                    | 221,723                    | 182               | 221,905                   |
| Unappropriated Balance                       | 2,514,532                  | 2,508,514                  | (54,045)          | 2,454,469                 |
| <b>Total Fund Requirements</b>               | <b>\$9,967,572</b>         | <b>\$10,387,628</b>        | <b>\$378,833</b>  | <b>\$10,766,461</b>       |
| <b>REGIONAL PARKS TRUST FUND</b>             |                            |                            |                   |                           |
| Materials & Services                         | \$30,000                   | \$30,000                   | \$0               | \$30,000                  |
| Interfund Transfers                          | 7,120                      | 7,120                      | 0                 | 7,120                     |
| Unappropriated Balance                       | 411,605                    | 411,605                    | 0                 | 411,605                   |
| <b>Total Fund Requirements</b>               | <b>\$448,725</b>           | <b>\$448,725</b>           | <b>\$0</b>        | <b>\$448,725</b>          |
| <b>REHABILITATION &amp; ENHANCEMENT FUND</b> |                            |                            |                   |                           |
| Materials & Services                         | \$631,839                  | \$631,839                  | \$0               | \$631,839                 |
| Interfund Transfers                          | 39,980                     | 39,980                     | 0                 | 39,980                    |
| Contingency                                  | 300,000                    | 300,000                    | 0                 | 300,000                   |
| Unappropriated Balance                       | 1,852,543                  | 1,852,543                  | 0                 | 1,852,543                 |
| <b>Total Fund Requirements</b>               | <b>\$2,824,362</b>         | <b>\$2,824,362</b>         | <b>\$0</b>        | <b>\$2,824,362</b>        |
| <b>RISK MANAGEMENT FUND</b>                  |                            |                            |                   |                           |
| Operating Expenses (PS & M&S)                | \$5,782,051                | \$5,782,051                | \$0               | \$5,782,051               |
| Capital Outlay                               | 10,000                     | 10,000                     | 0                 | 10,000                    |
| Interfund Transfers                          | 255,000                    | 340,000                    | 0                 | 340,000                   |
| Contingency                                  | 200,000                    | 200,000                    | 0                 | 200,000                   |
| Unappropriated Balance                       | 5,810,321                  | 5,725,321                  | 0                 | 5,725,321                 |
| <b>Total Fund Requirements</b>               | <b>\$12,057,372</b>        | <b>\$12,057,372</b>        | <b>\$0</b>        | <b>\$12,057,372</b>       |
| <b>SMITH AND BYBEE LAKES TRUST FUND</b>      |                            |                            |                   |                           |
| Operating Expenses (PS & M&S)                | \$176,224                  | \$272,224                  | \$0               | \$272,224                 |
| Capital Outlay                               | 0                          | 0                          | 0                 | 0                         |
| Interfund Transfers                          | 42,124                     | 42,377                     | 0                 | 42,377                    |
| Contingency                                  | 24,980                     | 24,980                     | 0                 | 24,980                    |
| Unappropriated Balance                       | 3,506,469                  | 3,506,216                  | (50,000)          | 3,456,216                 |
| <b>Total Fund Requirements</b>               | <b>\$3,749,797</b>         | <b>\$3,845,797</b>         | <b>(\$50,000)</b> | <b>\$3,795,797</b>        |

**Exhibit C**  
**FY 1999-00 SCHEDULE OF APPROPRIATIONS**

|  | <u>Proposed<br/>Budget</u> | <u>Approved<br/>Budget</u> | <u>Revision</u>    | <u>Adopted<br/>Budget</u> |
|--|----------------------------|----------------------------|--------------------|---------------------------|
| <b>SOLID WASTE REVENUE FUND</b>                |                            |                            |                    |                           |
| <b>Operating Account</b>                       |                            |                            |                    |                           |
| Operating Expenses (PS & M&S)                  | \$48,274,945               | \$48,274,945               | \$271,525          | \$48,546,470              |
| Subtotal                                       | 48,274,945                 | 48,274,945                 | 271,525            | 48,546,470                |
| <b>Debt Service Account</b>                    |                            |                            |                    |                           |
| Debt Service                                   | 2,670,895                  | 2,670,895                  | 0                  | 2,670,895                 |
| Subtotal                                       | 2,670,895                  | 2,670,895                  | 0                  | 2,670,895                 |
| <b>Landfill Closure Account</b>                |                            |                            |                    |                           |
| Materials & Services                           | 135,000                    | 135,000                    | 0                  | 135,000                   |
| Capital Outlay                                 | 630,500                    | 630,500                    | 0                  | 630,500                   |
| Subtotal                                       | 765,500                    | 765,500                    | 0                  | 765,500                   |
| <b>Renewal and Replacement Account</b>         |                            |                            |                    |                           |
| Capital Outlay                                 | 1,878,036                  | 1,878,036                  | 0                  | 1,878,036                 |
| Subtotal                                       | 1,878,036                  | 1,878,036                  | 0                  | 1,878,036                 |
| <b>General Account</b>                         |                            |                            |                    |                           |
| Capital Outlay                                 | 1,121,225                  | 1,121,225                  | 782,175            | 1,903,400                 |
| Subtotal                                       | 1,121,225                  | 1,121,225                  | 782,175            | 1,903,400                 |
| <b>Master Project Account</b>                  |                            |                            |                    |                           |
| Debt Service                                   | 350,000                    | 350,000                    | 0                  | 350,000                   |
| Subtotal                                       | 350,000                    | 350,000                    | 0                  | 350,000                   |
| <b>Recycling Business Assistance Account</b>   |                            |                            |                    |                           |
| Materials & Services                           | 250,000                    | 250,000                    | 51,000             | 301,000                   |
| Subtotal                                       | 250,000                    | 250,000                    | 51,000             | 301,000                   |
| <b>General Expenses</b>                        |                            |                            |                    |                           |
| Interfund Transfers                            | 3,665,294                  | 3,707,974                  | 62,077             | 3,770,051                 |
| Contingency                                    | 14,255,285                 | 14,255,285                 | (62,077)           | 14,193,208                |
| Subtotal                                       | 17,920,579                 | 17,963,259                 | 0                  | 17,963,259                |
| Unappropriated Balance                         | 26,472,152                 | 26,429,472                 | 0                  | 26,429,472                |
| <b>Total Fund Requirements</b>                 | <b>\$99,703,332</b>        | <b>\$99,703,332</b>        | <b>\$1,053,700</b> | <b>\$100,808,032</b>      |
| <b>SUPPORT SERVICES FUND</b>                   |                            |                            |                    |                           |
| <b>Administrative Services/Human Resources</b> |                            |                            |                    |                           |
| Operating Expenses (PS & M&S)                  | \$5,292,147                | \$5,376,733                | \$30,647           | \$5,407,380               |
| Debt Services                                  | 97,084                     | 97,084                     | 0                  | 97,084                    |
| Capital Outlay                                 | 205,925                    | 205,925                    | (5,540)            | 200,385                   |
| Subtotal                                       | 5,595,156                  | 5,679,742                  | 25,107             | 5,704,849                 |
| <b>Office of General Counsel</b>               |                            |                            |                    |                           |
| Operating Expenses (PS & M&S)                  | 838,794                    | 838,794                    | 0                  | 838,794                   |
| Capital Outlay                                 | 0                          | 0                          | 0                  | 0                         |
| Subtotal                                       | 838,794                    | 838,794                    | 0                  | 838,794                   |
| <b>Office of Citizen Involvement</b>           |                            |                            |                    |                           |
| Operating Expenses (PS & M&S)                  | 63,711                     | 63,711                     | 0                  | 63,711                    |
| Capital Outlay                                 | 0                          | 0                          | 0                  | 0                         |
| Subtotal                                       | 63,711                     | 63,711                     | 0                  | 63,711                    |

**Exhibit C**  
**FY 1999-00 SCHEDULE OF APPROPRIATIONS**

|                                | <u>Proposed<br/>Budget</u> | <u>Approved<br/>Budget</u> | <u>Revision</u>    | <u>Adopted<br/>Budget</u> |
|--------------------------------|----------------------------|----------------------------|--------------------|---------------------------|
| <b>Office of the Auditor</b>   |                            |                            |                    |                           |
| Operating Expenses (PS & M&S)  | 579,826                    | 579,603                    | 30,182             | 609,785                   |
| Capital Outlay                 | 3,182                      | 3,182                      | (3,182)            | 0                         |
| <b>Subtotal</b>                | <b>583,008</b>             | <b>582,785</b>             | <b>27,000</b>      | <b>609,785</b>            |
| <b>General Expenses</b>        |                            |                            |                    |                           |
| Interfund Transfers            | 1,907,763                  | 1,950,495                  | 300,870            | 2,251,365                 |
| Contingency                    | 529,831                    | 476,481                    | (6,108)            | 470,373                   |
| <b>Subtotal</b>                | <b>2,437,594</b>           | <b>2,426,976</b>           | <b>294,762</b>     | <b>2,721,738</b>          |
| Unappropriated Balance         | 330,805                    | 330,805                    | 0                  | 330,805                   |
| <b>Total Fund Requirements</b> | <b>\$9,849,068</b>         | <b>\$9,922,813</b>         | <b>\$346,869</b>   | <b>\$10,269,682</b>       |
| <b>ZOO CAPITAL FUND</b>        |                            |                            |                    |                           |
| Personal Services              | \$102,595                  | \$102,595                  | \$0                | \$102,595                 |
| Materials & Services           | 0                          | 0                          | 0                  | 0                         |
| Capital Outlay                 | 11,318,022                 | 11,318,022                 | 349,700            | 11,667,722                |
| Interfund Transfers            | 0                          | 0                          | 0                  | 0                         |
| Contingency                    | 500,000                    | 500,000                    | 0                  | 500,000                   |
| Unappropriated Balance         | 653,994                    | 653,994                    | 0                  | 653,994                   |
| <b>Total Fund Requirements</b> | <b>\$12,574,611</b>        | <b>\$12,574,611</b>        | <b>\$349,700</b>   | <b>\$12,924,311</b>       |
| <b>ZOO OPERATING FUND</b>      |                            |                            |                    |                           |
| Operating Expenses (PS & M&S)  | \$15,444,800               | \$15,444,800               | \$27,700           | \$15,472,500              |
| Capital Outlay                 | 635,500                    | 635,500                    | (27,700)           | 607,800                   |
| Interfund Transfers            | 1,835,408                  | 1,843,775                  | 43,120             | 1,886,895                 |
| Contingency                    | 964,377                    | 964,377                    | (43,120)           | 921,257                   |
| Unappropriated Balance         | 7,769,544                  | 7,761,177                  | 0                  | 7,761,177                 |
| <b>Total Fund Requirements</b> | <b>\$26,649,629</b>        | <b>\$26,649,629</b>        | <b>\$0</b>         | <b>\$26,649,629</b>       |
| <b>TOTAL BUDGET</b>            | <b>\$367,287,674</b>       | <b>\$382,315,508</b>       | <b>\$2,573,827</b> | <b>\$384,940,335</b>      |

**REGIONAL ENVIRONMENTAL MANAGEMENT COMMITTEE REPORT**

CONSIDERATION OF ORDINANCE NO. 99-806, FOR THE PURPOSE OF GRANTING A NEW COMPOSTING FACILITY LICENSE TO THE RELOCATED CITY OF PORTLAND LEAF COMPOSTING FACILITY

-----  
Date: June 14, 1999

Presented by: Councilor Washington

**Committee Recommendation:** At its June 9 meeting, the Committee considered Ordinance No. 99-806 and voted unanimously to send the resolution to the Council with a do pass recommendation. Voting in favor: Councilors Park and McLain and Chair Washington.

**Committee Issues/Discussion:** Terry Petersen, Interim REM Director, presented the staff report. Petersen explained that, in response to requests for our local government partners, Metro established a regional licensing program for yard debris processing facilities. Since 1991, the city of Portland has operated a composting facility to process leaves gathering by street sweepers and city maintenance crews. No material is accepted from the general public. The facility obtained a Metro license in January, 1998. The city is currently moving the composting operation to a larger site that is across the street from the existing facility. The Code requires that the Council approve such a change of address as an amendment to the existing license.

Petersen indicated that no complaints have been received concerning the existing facility and that the new site is larger and should facilitate improved handling and processing the composting feedstock. Chair Washington noted that the facility is only a few blocks from his home and that there have never been any odor or other operational problems at the site.



**GROWTH MANAGEMENT COMMITTEE REPORT**    **ORDINANCE NO. 99-809**  
 FOR THE PURPOSE OF AMENDING ORDINANCE NO. 98-788C WHICH  
 AMENDS THE METRO URBAN GROWTH BOUNDARY AND THE 2040 GROWTH  
 CONCEPT MAP IN ORDINANCE 95-625A IN URBAN RESERVE AREA 55 OF  
 WASHINGTON COUNTY.

Date: June 1, 1999

Presented by: Councilor McLain

**Committee Action:** At its May 26, 1999 meeting, the Growth Management Committee reviewed a draft version of Ordinance No. 99-809, and voted 3-0 to recommend that legal counsel amend the draft, based on committee comments, for introduction by the committee. Voting in favor: Councilors Bragdon, Park and McLain.

**Council Issues/Discussion:** Larry Shaw, Office of General Counsel gave the staff presentation. This ordinance--99-809, amends ordinance 98-788C, which moved the urban growth boundary to include the portion of urban reserve #55 inside Metro's jurisdictional boundary. Ordinance 98-788C was appealed by several parties to the Land Use Board of Appeals (LUBA), and Metro withdrew the ordinance from LUBA for reconsideration in March, 1999. By amending and readopting the original ordinance, Metro intends to gain dismissal of three appeals to LUBA.

Ordinance 99-809 amends 98-788C according to three principles:

- Revise the southern boundary of site #55 to exclude all land designated as Exclusive Farm Use (about 48 acres, in four parcels).
- Decouple linkage of conditions for approval from entire South Hillsboro Urban Reserve Plan.
- Revise conditions for approval to clarify that the city comprehensive plan will achieve at least 10-units/ net buildable acre, as provided in the urban reserve plan, and require zoning to enable affordable housing identified in urban reserve plan.

Public testimony provided arguments for and against removing the four EFU parcels from the urban growth boundary. Adequacy of transportation facilities for this area was also a concern. It was clarified that DLCD had awarded a grant to the city of Hillsboro to complete a stand-alone urban reserve plan for site #55, but had not seen indication from Hillsboro that it was prepared to take on the task of separating out this area, until recently. The plan needs to be completed by the end of June of this year. It was further clarified that nothing in this ordinance affects the portion of site #55 that was the subject of a Metro resolution, and is outside the Metro boundary.

Mr. Shaw was directed by the committee to add language in condition 6.G . that will assist those who are farming nearby, including those whose properties are involved in this ordinance, to be able to retain adequate transportation facilities necessary for their farming activities.

Atherton amendment to Resolution 99-2783  
June 17, 1999

Under "Be it Resolved", add a second section to state:

2). That the contracts and agreements for construction or operation of the Nature Center clearly reflect that Oxbow Regional Park is a natural area park, and the footprint and impacts of the developed facilities should be as small as reasonably necessary. Construction and operation of the Diack Nature Center should also demonstrate or test innovative methods that reduce impacts of human activity on the natural area, such as the use of composting toilets, and methods to reduce impervious surface areas.

**REGIONAL ENVIRONMENTAL MANAGEMENT COMMITTEE REPORT****CONSIDERATION OF RESOLUTION NO. 99-2792, FOR THE PURPOSE OF  
AUTHORIZING RELEASE OF RFB #99B-15-REM FOR THE REPLACEMENT OF A SOLID  
WASTE COMPACTION SYSTEM AT THE METRO CENTRAL STATION**

-----  
Date: June 14, 1999

Presented by: Councilor McLain

**Committee Recommendation:** At its June 9 meeting, the Committee considered Resolution No. 99-2786 and voted unanimously to send the resolution to the Council with a do pass recommendation. Voting in favor: Councilors Park and McLain and Chair Washington.

**Committee Issues/Discussion:** Terry Petersen, Interim REM Director, presented the staff report. He explained that the purpose of the proposed resolution is to authorize the release of an RFP to replace an existing compactor at the Metro Central Transfer Station. He noted that the compactors at Metro Central are the original equipment and have been operating since 1991. This lifespan has exceeded the original staff projections.

Petersen indicated that the compactor that is being replaced has been the "workhorse" at the facility. However, the support structure for the compactor was recently damaged and therefore staff wishes to proceed as quickly as possible to replace the compactor. He noted that it will take about six months to procure and install the new equipment at an estimated cost of \$888,800.

Petersen indicated that the new equipment will save money in two ways. First, it will increase the size of each load of material trucked to Arlington by about one ton per load, from 29 to 30 tons. This will reduce the overall number of loads by about 3%, or about 360 loads per year. This will save Metro about \$120,000 a year in transportation costs. Second, as the existing compactor has aged, maintenance costs have increased. New, warranted equipment will reduce these costs.

Councilor Rod Park  
Amendment for Resolution 99-2798  
June 8, 1999

I move that Resolution No. 99-2798 be amended to omit the time extension for urban Reserve Areas 53, 54 and the EFU portion of 55 outside the Metro boundary, as referenced in Resolution No. 98-2728C.

I also move that the Office of General Counsel be directed to draft a new resolution incorporating Urban reserve Areas 53, 54 and the EFU portion of area 55, for the purpose of extending the effective date of the resolution of which they were originally a part.

061799C-10



McKeever/Morris, Inc.  
209 S.W. Oak Street, Suite 200  
Portland, Oregon 97204  
503.228.7352  
fax 503.228.7365



**MEMORANDUM**

VIA FAX 797-1793  
Attn: Chris Billington

TO: Metro Council  
FROM: Keith Liden, AICP  
RE: June 17th Agenda Item 9.3  
Resolution No. 99-2798  
DATE: June 16, 1999

On behalf of the West Linn-Wilsonville School District, I am requesting that:

**Resolution 99-2798 be approved to extend the effective date for Resolution 98-2729C which relates to Urban Reserve #39.**

Following the Metro action in December 1998 approving the resolution indicating the Metro Council's intent to expand the UGB to include UR #39, the district has proceeded by:

- Contacting the city of Wilsonville staff to identify and resolve development and public improvement issues;
- Developing a draft petition with the city of Wilsonville to annex the 20-acre area into the Metro district boundary;
- Working with the community regarding the design of the proposed school; and
- Developing a legal description for the 20 acres to be acquired from the Division of State Lands.

Dealing with these issues has taken more time than originally anticipated. However, the district has made steady progress, and it will be able to submit a complete application to be annexed to Metro within the next several weeks.

Keeping the future school on track is very important to the West Linn-Wilsonville School District, and I urge you to approve Resolution 99-2798. Thank you.

cc: Roger Woehl, District Superintendent  
Stephan Lashbrook, Wilsonville Planning Director

Planning  
Design  
Public Involvement  
Project Management





McKeever/Morris, Inc.  
209 S.W. Oak Street, Suite 200  
Portland, Oregon 97204  
503.228.7352  
fax 503.228.7365

**FACSIMILE TRANSMITTAL**

Total Pages  
(Including cover)

2

Date: 6/16/99

To: CHRIS BILLINGTON / ROGER WOENL / STEPHAN LASHBROOK  
METRO WL: WISS. SCH.D. WILSONVILLE

Fax Number: 797-1793 / 673-7001 / 682-7025

Phone Number: \_\_\_\_\_

Project Ref.: JUNE 17<sup>TH</sup> METRO COUNCIL AGENDA ITEM 9.3

From: KEITH LIDEN

- |                        |                        |                       |                          |                                  |                                    |
|------------------------|------------------------|-----------------------|--------------------------|----------------------------------|------------------------------------|
| Hard Copy<br>to Follow | Per<br>Your<br>Request | For<br>Your<br>Review | For<br>Your<br>Reference | For<br>Distribution              | Personal<br>Please Hand<br>Deliver |
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Additional Comments or Message:

CHRIS - PLEASE DISTRIBUTE TO COUNCILORS FOR TOMORROW'S MEETING. THANKS

Signed: *K*

Please call Receptionist at 503-228-7352 if this fax was not received in its entirety.

Planning  
Design  
Public Involvement  
Project Management

|                                 |   |                         |
|---------------------------------|---|-------------------------|
| FOR THE PURPOSE OF AMENDING THE | ) | RESOLUTION NO. 99-2799A |
| MTIP TO PROGRAM THE PORTLAND    | ) |                         |
| REGIONAL JOB ACCESS PLAN        | ) | Introduced by           |
|                                 | ) | Councilor Jon Kvistad,  |
|                                 | ) | JPACT Chair             |

WHEREAS, Tri-Met submitted a grant application to the FTA to fund a "Portland Regional Job Access Plan" under Section 3037 of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21); and

WHEREAS, Metro submitted a letter of support for the grant which stated that the plan was consistent with regional transportation goals and objectives in the *Regional Framework Plan* in the policy chapter of the *Regional Transportation Plan*; that Metro would amend the MTIP to show the project at such time as FTA approved the grant application and awarded a specific federal dollar amount; and that Metro desired to participate on the Portland Regional Job Access Committee (JAC), the project steering committee; and

WHEREAS, FTA informed Tri-Met that \$1.0 million of first year federal funds have been awarded the plan, subject to local cash and/or in-kind match of \$1.0 million; and

WHEREAS, Tri-Met has requested that Metro amend the MTIP to reflect award of the federal funds; and

WHEREAS, All activities contemplated by the program are exempt with respect to regional air quality conformity issues; now, therefore,

BE IT RESOLVED,

1. The MTIP is amended to show allocation of \$1 million of Section 3037 funds to the Portland Regional Job Access Program.
2. The Executive Officer is authorized to assign staff to the JAC to implement the present award and to assure representation of Metro interests in implementation of any subsequent awards.
3. Future year awards to this plan may be programmed administratively.

4. The Executive Officer is authorized to request amendment of the STIP to reflect this action and to coordinate administrative details with staff of ODOT, Tri-Met and others giving cash and/or in-kind match for the program.

5. The Jobs Access Program should be examined by TPAC and JPACT after year one to consider the need for expanded job hubs at additional transit centers (especially MAX/bus centers) in areas not served by the initial job hubs.

ADOPTED by the Metro Council this \_\_\_ day of \_\_\_\_\_, 1999.

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Rod Monroe, Presiding Officer

Approved as to Form:

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Daniel B. Cooper, General Counsel



## STAFF REPORT

### CONSIDERATION OF RESOLUTION NO. 99-2799A FOR THE PURPOSE OF AMENDING THE MTIP TO PROGRAM THE PORTLAND REGIONAL JOB ACCESS PLAN

DATE: May 20, 1999

Presented by: Andrew C. Cotugno

#### PROPOSED ACTION

This resolution would approve amending the MTIP to program \$1.0 million of Section 3037 funds awarded by FTA for first year financing of the Portland Regional Job Access Plan. The resolution authorizes Metro representation on the program steering committee to implement the currently allocated funds and any other funds that may be awarded in the future. It authorizes future allocations, if any, to be programmed administratively in light of Metro representation on the steering committee.

TPAC has reviewed the proposed MTIP amendment and recommends approval of Resolution No. 99-2799.

#### BACKGROUND AND ANALYSIS

Section 3037 of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) authorized FTA competitive award of funds for Job Access and Reverse Commute Program proposals. Tri-Met submitted a grant in December 1998 which outlined a five-year program of new traditional transit services, social services outreach and allied non-traditional, non-SOV travel demand management strategies to address low-income, employment-related transportation needs.

First and second year federal financing was requested in the amount of \$1.0 million per year, and years three through five of the plan anticipate annual federal support of \$856,000. Federal funds in years one and two would be matched with local capital and in-kind services equaling \$1.426 million per year. This match would increase to \$2.103 million in years three through five.

Approximately half of the first and second year federal grant would be allocated to Tri-Met provided fixed route bus service, increasing to consumption of approximately three-quarters of the federal funds in years three through five. At the same time, Tri-Met funded bus service would be counted as approximately one-third to one-half of the local matching funds/services. The City of Portland would provide about \$635,000 in pedestrian and bike improvements around program-targeted transit hubs in the first year. The balance of program elements in all years is designed to deliver miscellaneous customer information/marketing materials and services, vanpool subsidies and operation of a ridesharing program.

Participating agencies include Tri-Met; Volunteer Transportation, Inc.; Tualatin Transportation Management Association; City of Portland; and the Clackamas County Transportation Consortium. Grant dollars in various program areas would be expended in the Hillsboro, Gateway and Oregon City Regional centers, in Northeast Portland, and in the following employment areas: Columbia Corridor/Rivergate, Tualatin/Tigard, Milwaukie/Clackamas Town Center, and the Westside Employment area adjacent to and north of the Westside MAX and including the Nimbus Business Park in Tigard.

A detailed program description was provided to FTA and the program was the subject of a lengthy briefing before TPAC prior to submission of the grant request. The steering committee (the Jobs Access Committee, or "JAC") is composed of 25 representatives from throughout the region and includes Metro staff. Therefore, the resolution authorizes administrative programming of any subsequent FTA awards that may be made to the program.

**GROWTH MAGEMENT COMMITTEE REPORT**

**CONSIDERATION OF RESOLUTION NO. 99-2802, FOR THE PURPOSE OF GRANTING TIME EXTENSIONS TO THE FUNCTIONAL PLAN COMPLIANCE DEADLINE—JUNE 1999.**

Date: June 11, 1999

Presented by: Councilor McLain

**Committee Action:** At its June 8, 1999 meeting, the Growth Management Committee voted 3-0 to recommend Council adoption of Resolution No. 99-2802. Voting in favor: Councilors Monroe, Park and McLain.

**Council Issues/Discussion:** Resolution No. 99-2802 grants time extensions for compliance with the Urban Growth Management Functional Plan to the Cities of Forest Grove, Happy Valley, Oregon City, Portland and Multnomah County. The deadline for functional plan approval was February 19, 1999 and 25 jurisdictions requested extensions. This is the third group to be recommended for extensions; two prior resolutions approved by Council in February and April of this year extended the deadlines for the others.

The staff report summarizes each request in terms of work completed and work remaining, for each jurisdiction. Generally, most of the functional plan requirements have been completed by the jurisdictions. Titles 1—Housing and Employment Accommodation; 2—Regional Parking Policy; and 6—Regional Accessibility are the ones most often cited in request for time extensions.

Mary Weber and Marian Hull gave the staff presentations for the Growth Management Department. Ms. Hull gave a brief summary for each jurisdiction. Among other things, she noted, for example, that Multnomah County has amended its comprehensive framework plan to implement Title 6, and is turning urban planning and development responsibilities over to the cities of Gresham Portland and Troutdale via intergovernmental agreements.

Staff were asked to create a table summarizing the status of all jurisdictions, and to follow up on a constituent issue in Councilor Park's district, related to transportation and the City of Portland.



# Oregon

John A. Kitzhaber, M.D., Governor

Department of Agriculture  
635 Capitol Street NE  
Salem, OR 97301-2532

June 14, 1999

Rod Park  
2100 SE 282nd Avenue  
Gresham, Oregon 97080

Dear Rod:

As you know, the Department of Agriculture has significant statutory authorities for the prevention and control of water pollution from agricultural activities in Oregon (ORS 568.900 through 933 and ORS 568.191). Pursuant to this authority, we are currently undertaking a significant agricultural water quality implementation effort in the Tualatin Basin.

In 1996, we worked with a group of stakeholders and the Washington County Soil and Water Conservation District to develop an Agricultural Water Quality Plan and Oregon Administrative Rules for the Tualatin Basin (OARs 603-095-0010 through 0180).

As you are aware, Unified Sewerage Agency has general responsibility for management of nonpoint sources of pollution within the urban areas of the Tualatin Basin. Throughout the development of our agricultural water quality plan and rules, we worked very closely with the Unified Sewerage Agency to assure that the strategies and regulations we developed for agriculture would apply across the agricultural landscape, regardless of location or land use zoning.

As such, our day-to-day working relationship with Unified Sewerage Agency is that our department's area plan and the associated administrative rules provide the voluntary and regulatory framework within which agricultural nonpoint source pollution is addressed on ALL lands in agricultural use in the Tualatin Basin.

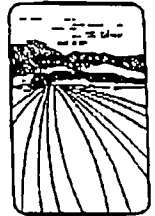
If you have any further questions, please contact me.

Sincerely,

Michael J. Wolf, Water Quality Program Manager  
Natural Resources Division  
PH: (503) 986-4711  
FX: (503) 986-4730  
email: mwolf@oda.state.or.us

cc: Jim Johnson  
Phil Ward

MW/dm



testimony to METRO Council 6-17-99  
by Steve Larrance

Intro: Mr. Presiding Officer and Councilors  
My name is Steve Larrance. I live at 20660 S. W. Kinnaman Rd., Aloha.  
I am testifying on behalf of CAIG Citizens Against Irresponsible Growth

We request that you delay your decision on Ord. No. 99-809 until the results from the independent traffic analysis being performed by DKS, who was hired by Wa. Co., are in. Those results should be available in about 3 weeks. If you are truly interested in making this decision based on facts and justifiable modeling assumptions you will wait. Your staff report on this site states repeatedly that they are relying on the Kittelson Report assumptions and conclusions, which are not substantiated.

Rather than take an action tonight you could file a motion with LUBA asking for an extension. I'm sure LUBA would rather that you deal with the transportation issues now. Metro has failed to meet with us during this 90 day self-remand period on those issues and now if you move ahead and approve this Ord. quickly to avoid the DKS study outcome you leave us no option but to appeal again. LUBA will most likely remand that back to you to deal with the issues we have raised. So why not do it now? I assure you our issues and appeals are not going away, and we are in fact gaining momentum and support.

For regional comprehensive land use and transportation oversight to succeed and, dare we say survive, it needs to make decisions based on the facts and principles of those disciplines, not political expediency. I realize it would be awkward to revisit the decisions of former Councils concerning what drives the urban form our region takes as it continues to expand. But this path decided several years ago, which does not even consider METRO's own decisions regarding where transportation infrastructure will someday be built, is a dead end path. One which may well lead to the end of both land use planning and regional government. And could you fault the electorate if they did choose to end regional government if that body could not even follow the basic principle that growth, especially high density growth, follows transportation corridors.

This decision, the first domino in the S. Hillsboro urbanization line, will ultimately locate over 20,000 new residents very far from jobs it is purported to be supporting with no funding for the roads between. Your Ord. finding that Hillsboro will be required to simply list the necessary off-site road improvements in their Comp Plan means absolutely nothing. Many of these improvements are not even in the city and their Transportation System Plan lists over \$500 million in existing needed road construction created in the last few years by allowing development without a road funding strategy. Wise expansion must aid in addressing existing needs.

Please realize that the only affordable option to create housing with a transportation link to the N. Hillsboro jobs is in the Hwy. 26 corridor. This area also contains Exception and EFU lands with less productive soils than the S. Hillsboro sites.

## ISSUES

Metro Council Hearing, June 17, 1999

My name is Larry Derr. My address is 53 SW Yamhill, Portland, 97204. I represent Citizens Against Irresponsible Growth, Walter Hellman, Rick VanBeveren and Steve Larrance. The purpose of my testimony is to identify for the Council issues it should address before acting on the proposed ordinance. Because the Council has chosen to consider the ordinance for the first time on the last day available for action pursuant to the LUBA withdrawal, and because the Council is apparently unwilling to request an extension of that time from LUBA, we recognize that these issues will most likely have to be addressed during the continuation of our appeal of the proposed UGB expansion. Because the Council is unwilling to accept written testimony at this hearing and it will take more than three minutes to state these issues, I have asked Robin Kuehnast to speak immediately following my testimony and complete the identification of issues.

Proposed Ordinance No. 99-809 fails to comply with MC §3.01.12, 3.01.015, 3.01.020, 3.01.040, 3.01.050, 3.01.610 and following sections constituting Title 6, 3.01.640B, 3.01.110 and following sections constituting Title 11, State statutes, LCDC administrative rules and statewide goals.

Specifically, but without limitation, the ordinance violates Metro Code and other applicable law as follows:

- Metro's designation of urban reserve areas did not properly consider all relevant alternative locations to meet the purported need identified in this ordinance. To the extent the ordinance does not rely on the prior urban reserve designations it fails to properly evaluate alternative locations.

- The conclusion that there is a need for additional urban land is not supported by the most recent and accurate analysis conducted by Metro.
- The ordinance purports to approve an urban reserve plan and in the alternative to approve a UGB amendment subject to creation and approval of an urban reserve plan. The direction to Hillsboro to adopt the approved urban reserve plan is inconsistent with a direction to create and submit an urban reserve plan for Metro approval. Metro Code does not permit a UGB expansion without an approved urban reserve plan.
- Any conclusion that this land must be included in the UGB without an approved urban reserve plan is not factually supported.
- The Growth Management Committee hearing preceded the introduction and first reading of the ordinance.
- The Growth Management Committee unlawfully restricted the subject matter of testimony at its hearing..
- The Council unlawfully prohibited written and evidentiary testimony during this hearing.
- The ordinance condition requiring Hillsboro to adopt reduced LOS standards is ambiguous as to whether it includes only roads within the UGB expansion area or also includes roads serving the area, and if so, which ones.
- Metro does not have Authority to dictate to Hillsboro reduced LOS standards in light of Title 6 provisions, and has not made findings required to justify the change.

- To the extent an ordinance condition purports to dictate to Hillsboro reduced LOS standards for the TV Highway corridor, the condition cannot be effective when much of the TV Highway corridor is not in Hillsboro and all of it is under ODOT jurisdiction. To the extent the ordinance condition is limited to roads within the expansion area, the ordinance condition cannot support the assumptions and conclusions concerning transportation issues.
- The UGB expansion does not satisfy LCDC Goal 12, Transportation, the Transportation Planning Rule or LCDC Goal 11, Public Facilities and Services.
- The urban reserve plan fails to meet the requirements of the TPR.
- The urban reserve plan is not consistent with the Regional Transportation Plan. Findings of consistency are not supported in the record. The findings do not address the only applicable Regional Transportation Plan, which is the 1992 update of the 1989 revision of the RTP.
- The findings and supporting information rely on inconsistent planning proposals for transportation facilities, inconsistent designations of existing facilities and inconsistent conclusions concerning the functioning, both present and future, of needed transportation facilities. The transportation findings and conclusions are not supported by the evidence in the record.
- The urban reserve plan does not provide for sufficient commercial and industrial development to meet the needs of the area to be developed.
- The estimates of the cost of public transportation facilities in the urban reserve plan are not supported by the evidence.
- The urban reserve plan provides for the destruction of the elementary school serving the area to accommodate road realignment but does not provide for a replacement school facility.



- The urban reserve plan has not been coordinated with Hillsboro or Washington County. Hillsboro has not considered the urban reserve plan for approval. There is no factual basis for Metro to assume the content of an urban reserve plan that Hillsboro may eventually submit for approval.
- The impacts on surrounding lands from the development approved by the ordinance will be significantly more adverse than the impacts if the development were located on other lands requiring a UGB amendment, including lands to the north between the Sunset Highway and the existing UGB.
- The proposed uses are not compatible with other adjacent uses and will not be rendered compatible by the proposed conditions. The proposed residential densities are not similar to those in the urban areas to the north.
- The proposed location for the UGB expansion does not provide a clear transition between urban and rural lands, and in fact will support improper attempts to add rural EFU lands to the UGB.
- The UGB amendment area is not capable of development as proposed without reliance on future urban development of rural EFU land to the east. Street connectivity on adjacent urban land cannot be improved without reliance on those EFU lands.
- The ordinance does not attach the approved urban reserve plan and map as a condition of approval. The ordinance does not adequately identify the portions of the urban reserve plan it purports to require Hillsboro to adopt into its comprehensive plan. Provisions asserted to be part of the urban reserve plan and identified as conditions of approval are not part of the plan.