

A G E N D A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1542 | FAX 503 797 1793



**METRO**

**Agenda**

MEETING: METRO COUNCIL REGULAR MEETING – REVISED 3/13/00  
DATE: March 16, 2000  
DAY: Thursday  
TIME: 2:00 PM  
PLACE: Metro Council Chamber

**CALL TO ORDER AND ROLL CALL**

1. INTRODUCTIONS
2. CITIZEN COMMUNICATIONS
3. EXECUTIVE OFFICER COMMUNICATIONS
4. AUDITOR COMMUNICATIONS
5. WASHINGTON D.C. FEDERAL TRANSPORTATION TRIP REPORT Monroe
6. MPAC COMMUNICATIONS
7. CONSENT AGENDA
- 7.1 Consideration of Minutes for the March 9, 2000 Metro Council Regular Meeting.
8. ORDINANCES - FIRST READING
- 8.1 **Ordinance No. 00-853**, For the Purpose of Amending the FY 1999-00 Budget to Increase the Full-Time Equivalents in the Solid Waste Revenue Fund by 2.50 FTE for the Purpose of Increasing Staffing in the Hazardous Waste Program; and Declaring an Emergency.
- 8.2 **Ordinance No. 00-857**, For the Purpose of Amending Metro Code Chapter 7.01 to Convert the Excise Tax Levied on Solid Waste to a Tax Levied Upon Tonnage Accepted at Solid Waste Facilities and Making Other Related Amendments.

**9. ORDINANCES – SECOND READING**

- 9.1 **Ordinance No. 00-850**, For the purpose of authorizing a loan to Metro from the Monroe Oregon Economic and Community Development Department’s Special Public Works Fund Loan Program; and Declaring an Emergency.

**10. RESOLUTIONS**

- 10.1 **Resolution No. 00-2904**, For the Purpose of Approving the FY 2001 Unified Work Program. Kvistad
- 10.2 **Resolution No. 00-2905**, For the Purpose of Certifying that the Portland Metropolitan Area is in Compliance with Federal Transportation Planning Requirements. Kvistad

**11. COUNCILOR COMMUNICATION**

**ADJOURN**

**Cable Schedule for March 16, 2000 Metro Council Meeting**

	Sunday (3/19)	Monday (3/20)	Tuesday (3/21)	Wednesday (3/22)	Thursday (3/16)	Friday (3/17)	Saturday (3/18)
<b>CHANNEL 11</b> (Community Access Network) (most of Portland area)						2:00 P.M. *	
<b>CHANNEL 21</b> (TVCA) (Washington Co., Lake Oswego, Wilsonville)	7:00 P.M. *	1:00 A.M. *		7:00 P.M. *			
<b>CHANNEL 30</b> (TVCA) (NE Washington Co. – people in Wash. Co. who get Portland TCI)	7:00 P.M. *			7:00 P.M.*			
<b>CHANNEL 30</b> (CityNet 30) (most of Portland area)		POSSIBLE 2:00 P.M. (previous meeting)					
<b>CHANNEL 30</b> (West Linn Cable Access) (West Linn, Rivergrove, Lake Oswego)		10:00 A.M. (previous meeting)	7:00 P.M. (previous meeting)			8:00 P.M. (previous meeting)	
<b>CHANNEL 33</b> (ATT Consumer Svcs.) (Milwaukie)	4:00 P.M. (previous meeting)					10:00 P.M. (previous meeting)	9:00 A.M. (previous meeting)

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. Public Hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be considered included in the decision record. Documents can be submitted by email, fax or mail or in person to the Clerk of the Council. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

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**5. BUDGET/FINANCE COMMUNICATIONS**

**6. MPAC COMMUNICATIONS**

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Consideration of the March 9, 2000 Regular Metro Council Meeting minutes.

Metro Council Meeting  
Thursday, March 16, 2000  
Metro Council Chamber

# MINUTES OF THE METRO COUNCIL MEETING

March 9, 2000

Metro Council Chamber

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

Councilors Absent: Rod Monroe (excused)

Presiding Officer Bragdon convened the Regular Council Meeting at 7:00 pm.

## 1. INTRODUCTIONS

Presiding Officer Bragdon introduced Peggy Coats, the new Council Financial Analyst.

## 2. CITIZEN COMMUNICATIONS

None.

## 3. EXECUTIVE OFFICER COMMUNICATIONS

None.

## 4. AUDITOR COMMUNICATIONS

None.

## 5. MPAC COMMUNICATIONS

Councilor Park said MPAC met yesterday. He reviewed their discussions regarding Goal 5 and the Endangered Species Act. He said their next meeting would be March 22 at 5 PM.

## 6. CONSENT AGENDA

6.1 Consideration of minutes of the March 2, 2000 Regular Council Meeting.

**Motion:** Councilor Washington moved to adopt the meeting minutes of March 2, 2000 Regular Council meeting.

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

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed.

## 6. CONSIDERATION OF ANNEXATION OF COOPER MOUNTAIN AND SOUTH HILLSBORO AREAS TO THE URBAN GROWTH BOUNDARY – PUBLIC HEARING

Presiding Officer Bragdon opened a public hearing and asked Dan Cooper, General Counsel, to review public hearing procedures.

**Mr. Cooper** explained the procedures and said that these proposals required other decisions to be made before any decision on annexation was made by the Metro Council. He recommended hearing from members of the public who wished to speak at this meeting, and then continuing the matter until the Metro Council was ready to determine whether to consider the annexation.

**Lydia Neill**, Growth Management Services Department, reviewed the area map for Cooper Mountain, formerly known as Area 49. She spoke to the site and the support by the City of Tigard for annexation at a future time. She said the applicant, Pacific Capital, was proposing to annex 126 acres into the Metro boundary. This area included 23 tax lots and 12 single family homes. She said the annexation met the double majority guidelines and service providers had indicated they could provide service to this area. She said the area was also consistent with the 2040 design type neighborhood. Upon annexation to the city appropriate zoning and comprehensive plan changes would be made to bring the area into conformance with the 2040 plan designation for the area. The applicant had demonstrated that they could meet the Metro Code.

**Councilor Atherton** asked if the double majority was required by the Metro Code.

**Ms. Neill** indicated that the double majority method of annexation was indicated in the ORS as a method of annexation.

**Mr. Cooper** explained that Metro was considered a special district. He said the only two ways to annex land to a special district under state law were 1) a double majority of property owners and electors in a territory outside the district asked to be added, or 2) the territory and the district both asked for the area to be added, in which case voters in both would have to approve it.

**Councilor Atherton** clarified that it was a double majority inside the area.

**Dan Cooper** said that was correct, and then the Council made the decision for adding it or not.

**Councilor Washington** asked what was the difference between MUO 100 and MUO 200.

**Scott Weddle**, Growth Management Services Department, responded that the number on the map was given when they applied to the Department of Revenue as a way to refer to them.

**Councilor Washington** asked if they would both be considered at the same time.

**Ms. Neill** said the second application had been withdrawn by the applicant.

**Presiding Officer Bragdon** noted written communication from Genstar concerning continuation of the application for annexation to the South Hillsboro area (a copy of which may be found in the permanent record of this meeting).

**Gretchen Buehner**, PO Box 1233, Portland OR 97207, said she was an attorney, a representative of the Tigard Water District board, president of CPO 4K, and also represented one of the property owners in this area. She clarified that this area was actually on the side of Bull Mountain, not Cooper Mountain. She said the water district board had discussed the matter and it was certainly part of their planning to see full development of this area in the future. She said the

area immediately south had been identified as the only property suitable in the entire Tigard-Tualatin school district for its third high school. She said the CPO was very interested in having this area brought in to provide for well-planned and sensible development. The vast majority in this area had voted that they wanted the annexation. She also noted this was definitely not prime farm land and was already densely developed to the east.

In response to a question from Councilor Atherton, Ms. Buehner reviewed the history of the properties.

**Lee Leighton**, Westlake Consultants, Inc. 15115 SW Sequoia Parkway, Suite 150, Tigard, OR 97224 reviewed an aerial photograph of property lines for the area (the large aerial map may be found in the permanent record of this meeting). He explained his client's interest in the area. He said the staff report covered most of their concerns except the timetable. He said the petitions were submitted to Metro in December. He was concerned that the petitions would become stale and the council would be faced with either having to redo them or would not be able to act on bringing the land into the UGB because it remained outside the jurisdiction boundary. He urged the Council to make their decision as soon as possible.

**Councilor Park** asked Mr. Cooper about the application and the double majority question. He wondered, as long as things remained static, would the application stay viable.

**Mr. Cooper** said that was generally true, however there could be uncertainty because you could have a major shift of owners who could withdraw an approval that was already part of the process. He said there was some potential for a shift.

**Councilor Park** asked what would happen if they were in the middle of the process and there was a major shift.

**Mr. Cooper** said Council did not have to seek out new information as long as they stayed in the process, but that someone would have to come tell them if there was a major shift.

**Councilor Park** asked if someone had a change right before a vote, could they force the council to withdraw from a decision.

**Mr. Cooper** said it was premature to surmise about facts that had not occurred.

**Councilor McLain** referred to Mr. Cooper presentation that indicated what had been a 2-step process had now become a process that had 2 steps that needed to happen together. She asked if something could be said about the condition of the petition when it entered the process.

**Mr. Cooper** said they could go back and amend the code.

**Councilor McLain** asked if there was a solution to the fact that a petitioner may not have understood the new process.

**Mr. Cooper** responded that the ordinance required the Metro Council to make a preliminary determination about intent to move the UGB. He read that as requiring a fairly detailed set of determinations based on the same criteria used to move the UGB, including a determined need number and consideration of all Goal 14 factors. At this time they only had the annexation



petition. The other information was still pending so the decision had to be deferred until they had the same information in the record that they needed for UGB decision.

**Steve Larrance**, 20660 SW Kinnaman Rd., Aloha, OR 97007, Citizens Against Irresponsible Growth (CAIG), said the total annexation for the south Hillsboro area was around 1,200 acres when you included the west 55 that had already been included. He noted it was a very large expansion of over 15,000 people and would have a major impact. He said CAIG was opposed to urbanization at this time because of the transportation impacts. They hoped CAIG could be included in the discussions of the area.

**Ron Cortopassi**, 16403 SW Leeding Lane, Tigard, OR 97223 said he was a homeowner adjacent to the Cooper Mountain area. He expressed concern about wetlands, transportation, high density housing units, lack of parklands and recreation areas in new development areas. He noted that there was an interest in increasing the density, which was fine for developers, but not for homeowners.

**Councilor Washington** suggested that Mr. Cortopassi ask the Growth Management staff to respond to his concerns. He asked the staff to make sure they answered all his questions.

**Steven Tabor**, 16387 SW O'Neill Ct., Tigard, OR, adjacent, though not directly, to the property in question, spoke about the traffic problem. It was his hope that the Metro Council would address the traffic issue and hold them accountable for improving the roads in the area so it would not be a bigger problem than it already was. He also spoke about the power lines into the area. He felt they should be put underground.

In response to a question from Councilor Atherton, Mr. Tabor said there had not been a specific group meeting to discuss the planning for the area.

**Councilor Washington** noted there was a lot of information to get through this evening and he knew there was a lot of interest from the Councilors, but it was his hope that they would be considerate of the others who wanted to testify.

**Presiding Officer Bragdon** announced a continuance of the hearing and closed the public hearing.

#### **7. METRO COMMITTEE FOR CITIZEN INVOLVEMENT PRESENTATION ON THE BUDGET**

**Ray Sherwood**, MCCI Chairman, commended the council for holding an evening meeting to allow citizens to comment on the budget. He said MCCI appreciated having a place on the agenda. He noted that citizen involvement is mandated by the charter, but that it costs money. He distributed summary materials (a copy of which may be found in the permanent record of this meeting), and called attention to two charts that show the amount of money expended on citizen involvement on two different budgets. He said the disparity between the two can be narrowed either by increasing the money allocated for citizen involvement or decreasing Metro's undertakings. He noted a letter contained in the MCCI materials from Ted Kyle, which called for cutting back on Metro's undertakings in favor of increasing citizen involvement. He explained MCCI's efforts to organize for effective involvement using the Public Involvement Planning Guide as a model. He appealed to the Council for sufficient money to make MCCI effective. He

pointed out that MCCI has been a valuable tool for gaining public support and has saved Metro money in, for example, mailing costs.

Mr. Sherwood said MCCI's mission is specified in the Metro Charter as a two-way communications vehicle between the public and the Council. He said that to be more effective, MCCI needs expanded membership and one that included members with particular expertise. It needs the support of the Executive Office and the Council to attract high-caliber members. It needs good, timely information presented in a useful form for itself and to communicate to citizens. That requires financial support. The printed information contains MCCI recommendations for funding its activities.

**Councilor McLain** thanked Mr. Sherwood for his presentation. She invited him to consult with the staff for help in developing amendments and for submitting specific suggestions for review by the Budget committee.

## **9. ORDINANCES – FIRST READING**

**9.1 Ordinance No. 00-851**, For the purpose of amending the Regional Solid Waste Management Plan regarding goals, objectives, and recommended strategies for the management of Household Hazardous Wastes.

**Presiding Officer Bragdon** assigned Ordinance No. 00-851 to the Regional Environmental Management Committee.

## **10. ORDINANCES –SECOND READING**

**10.1 Ordinance No. 00-847**, For the Purpose of Adopting the Annual Budget for Fiscal Year 2000-01, making appropriations, and levying ad valorem taxes, and declaring an emergency.

**Presiding Officer Bragdon** opened a public hearing on Ordinance No. 00-847. He noted that this would be the first of three public hearings on this matter.

**Councilor McLain** introduced the ordinance and explained the budget process. She recognized two letters received for the record, one from George E. Bell, Chair of MERC; the other from the Friends of the Performing Arts Center, signed by their officers and past presidents.

**George Bell**, MERC Chair, 102 Garibaldi St. Lake Oswego, OR 97035, spoke in support of the MERC budget. He said that MERC takes seriously its mission to operate the MERC facilities efficiently and cost-effectively. The future of the facilities depends on successful partnerships. He summarized the history of the entrepreneurial approach the MERC facilities have taken in the past five years. He said the success of this approach depends on keeping overhead costs low. He said the MERC has an obligation to the public to do so. He urged the Council not to allow overhead costs to increase faster than inflation.

**Councilor Washington** asked Commissioner Bell to suggest an amount for overhead costs.

**Commissioner Bell** said MERC currently pays \$1.1 million for services. The budget submitted includes a 3% increase in those costs. He said the \$1.7 million suggested by the Executive Officer would create a hardship on the facilities.

**Councilor Atherton** asked if Commissioner Bell had compared MERC's overhead costs with those of other, similar facilities around the nation.

**Commissioner Bell** said preliminary information suggests that the services could be purchased for considerably less —some \$200,000 less.

**Jim Neill**, Past President, Friends of the Performing Arts Center, 6428 SE Reed College Place, Portland OR 97201. He read his letter of testimony into the record (a copy of which may be found in the permanent record). He said the facilities are already at the top of their markets, and any increase in charges to \$1.7 million could put some of them out of business. The Best of Broadway, which involves a multi-year contract, cannot raise its rates under its contract. He said he was not in a position to recommend where the Council should cut money. He said he had been involved in budget cutting and recognized it could be done using an innovative approach.

**Jerry Mounce**, Solid Waste and Industrial Source Control, City of Portland, 1120 SW 5<sup>th</sup> Rm 1000 Portland OR said her job involved managing the finances for the neighborhood clean-ups and bulky waste clean-ups. She said in the past 18 months, more than \$300,000 had been allocated from her budget for the bulky waste clean-ups. Next year she would be releasing a request for proposals from the Portland Neighborhood Coalitions for a \$300,000 contract for bulky waste clean-ups. By the end of May, 82,000 homes will have been covered for bulky waste clean-ups. She noted that Metro proposed allocating only \$100,000 for all three counties for disposal. She proposed that Metro increase its allocation by an addition \$50,000 or \$60,000. She noted that neighboring jurisdictions had requested assistance from the City of Portland in doing similar clean-ups.

**Paul Mortimore**, 1630 N Highland St., Portland, Oregon 97221 said he was speaking on behalf of the Miracle Theater Company and the Profile Theater project. He said that the proposed fee increases for support services would be passed on by MERC to the individual non-profit groups that use its facilities. That would force those groups to try to raise those dollars from the private sector, which had become extremely competitive. Thus, the fee increase would amount to a tax on private, non-profit organizations. It would affect not only the users, but it would make it very difficult for small non-profits, such as the Miracle Theater, to compete for philanthropic dollars with larger organizations with greater needs. He told Councilor Atherton that past user fees at the Portland Center for the Performing Arts (PCPA) were three times the national average. That put long-lasting burden on PCPA users that has continue to plague them even though the situation has since improved. He said the agreement made three years ago needed to be honored. He urged the Council not to further burden private, non-profit organizations by raising the charges for support services for MERC.

**Mike Houck**, Audobon Society of Portland and the Coalition for Livable Future, 5151 NW Cornell Rd, Portland OR 97210 read two letters of testimony into the record (both copies of which may be found in the permanent record of this meeting). On behalf of the Coalition testified against making any budget cuts for key programs, particularly those that address affordable housing needs. Instead, the Coalition suggested exploring ways to raise revenues, and it offered

suggestions for and its help in doing so. On behalf of the Audubon, his testimony included opposition to cutting programs dealing with water quality and salmon protection.

**William Warren**, citizen involvement coordinator, Central NE Neighbors, 5540 NE Sandy Blvd., Portland, OR 97213 explained his written testimony and accompanying material (copies of which may be found in the permanent record of this meeting). He testified in favor of Metro's increasing its funding for disposal waiver fees for the bulky waste clean up events. He noted the huge quantity of recyclable and reusable items that have been picked up at these events (see written testimony for exact figures). He noted that these events have been made possible through partnerships with the non-profits, the Bureau of Environmental Services, and Metro. He noted the value of these events in introducing neighborhood associations to those who live in their boundaries. In addition, Metro's recycling number has been widely distributed.

**Virginia Seivers**, program manager, Central NE Neighbors, 5540 NE Sandy Rd., Portland, Oregon 97213 spoke to the 130,000 households invited to participate in bulky waste collected events in central northeast neighborhoods this spring. She spoke to the success of the clean-ups.

**Councilor Atherton** asked if there was any indication that this program had helped to reduce illegal dumping in vacant lots and in the countryside.

**Ms. Seivers** said those numbers might be obtained from Ms. Mounce, City of Portland, but she believed it had.

**Mr. Warren** said the reports neighborhood associations had received from citizens indicated less dumping, particularly of tires. He said future events would allow more accurate comparisons.

**Councilor Kvistad** clarified for the television audience that bulky waste included items such as tires, mattresses, furniture, and appliances.

**Presiding Officer Bragdon** noted that the Council had received a letter that day from Sylvia Bogert, Southwest Neighborhood, Inc., lauding this program and mentioning the reduction in illegal dumping.

**Councilor Washington** said one of these events had been conducted recently in his neighborhood, and he had been amazed at the amount of waste that had been put out.

**Mr. Warren** offered to meet with citizen involvement personnel or with staff to explain the program and to offer any technical assistance that might be useful.

**Ricki McIlwraith**, Chairman of the Volunteer Council for the PCPA, 13155 SW Thatcher Rd. Beaverton OR 97008 She shared with the Council a volunteer's view of the PCPA. She said that the volunteer program had begun in 1984 as a marketing tool, to increase awareness of the newly refurbished Schnitzer Hall and to build excitement for the new theater building that was then under construction. Over the years the program has grown in size and scope. She summarized the different activities with which volunteers help. They contributed more than 40,000 hours valued at more than \$500,000. Volunteers have the opportunity to see first-hand how the PCPA operates in a lean and efficient manner.

**Mark Crawford**, Managing Director of Portland Center Stage, 1111 SW Broadway, Portland, OR, spoke on behalf of other major non-profit organizations serving this community. He focused on the implications of a MERC increase on community service organizations. A cost increase to these organizations does not mean improved services, but financially imperils them. An increase would mean either a cut in services provided to the community, or an increase in ticket prices, which might price the services out of affordable range. He urged Ordinance No. 00-847 not be passed.

**Roy Jay**, President and CEO, Oregon Convention and Visitors Services Network, 516 SE Morrison Street, Suite 650 Portland, OR, 97214 spoke in opposition to Ordinance No. 00-847 as it pertains to increasing fees to MERC. He asked that no cuts be made from the MERC budget as it would greatly impact visitor events to the community facilities.

**Councilor Atherton** asked how money MERC currently spends on marketing.

**Mr. Jay** responded that he thought it was less than \$2 million. Nationally, Oregon is ranked 44th in the country as far as money spent on marketing for convention and tourism. POVA, the convention marketing staff and the Oregon Convention and Visitors Services Network market about \$2.4 for this area. There is no room to reduce marketing expenditures.

**Craig Thompson**, President, Tri-County Lodging Association, 506 SW Washington, Portland OR 97204 gave the perspective of the lodging industry on the MERC budget. He thanked Presiding Officer Bragdon for his interest in working with other councilors to develop a budget to meet the Metro commitments to the industry.

**Councilor Park** thanked Mr. Thompson for the willingness of his organization to step forward and tax itself for the expansion of the Convention Center. He asked Mr. Thompson to consider expanding the taxing base, and he invited his fellow Councilors from Washington and Clackamas Counties to join Multnomah County in its support for the expansion.

**Brian McCartin**, General Manager, Double Tree Hotel Downtown and Lloyd Center, and Chair of Directors, Portland Oregon Visitors Association (POVA), 100 NE Multnomah, Portland, OR 97232 commented on the MERC budget. He said MERC facilities greatly enhanced the region, as the result of excellent management and promotion of the facilities. He said this was an example of public/private partnership at its best, and it was important to honor the commitments made and work to ensure that the facilities continue to benefit to the region.

**Larry Harvey**, Larry Harvey Public Relations, 22830 Southwest Ninety-Third, Tualatin, OR said the previous agreement under discussion was Ordinance No. 97-677B, passed by the previous Council. The ordinance talked about the agreement between the county, the city, and Metro Council concerning the operation of the MERC facilities. He noted Metro's responsibility to maintain the region's quality of life, and he listed a number of benefits the region's residents receive from public/private partnerships, such as Fareless Square and neighborhood arts projects. He asked the Council to honor the industry request that Metro maintain the integrity of previous commitments in their future relationship.

**Valeria Ramirez**, Portland Opera and PCPA Advisory Committee, 2725 NE 42rd Portland OR 97213 thanked the Council for the opportunity to show some of the work currently underway that supported PCPA's FY 2000-01 budget as prepared and submitted. She gave a brief history of the

budget's development, and noted the lack of a funded plan to maintain and improve PCPA's facilities as the primary challenge facing PCPA. She noted the proposal before the Metro Council to increase its charges for services provided to PCPA through MERC, and said it would either result in higher costs for users or further compromising of the facilities. She said neither option was a viable solution. She said most companies were actively selling subscriptions for the upcoming season, and would not be able to increase revenue. She asked the Council to adopt PCPA's budget for FY 2000-01 as submitted.

**Christopher Kopca**, Chair, PCPA Advisory Committee, 715 SW Morrison Suite 423 Portland OR 97205 implored the Council to adopt the budget prepared by MERC. The primary issue was the proposed 43% increase in Metro support services, which he noted was on top of a 7% increase issued last year. He said the amount budgeted by MERC for Metro support services for this year was not a subsidized cost for service; it was well within the amount that would be required to purchase the same services from a third party. He said they could not schedule more events to increase revenue, and they were at the top end of their fees and user charges. They have deferred capital improvements and drawn down their ending fund balance. He said the 3% fee proposed by MERC was reasonable, and he asked the Council to support it.

**Councilor Atherton** asked Mr. Kopca how much of PCPA's operating budget was covered by fees such as ticket sales.

**Mr. Kopca** said he thought it was 80%, but he would need to verify that with staff.

**Councilor Kvistad** said this budget was part of a continual assault on arts and culture programs in the community. He said the proposal was a hidden tax increase, and was not appropriate.

**Councilor Park** explained to the public that MERC was part of Metro, even though it was partly autonomous. He asked Joe D'Alessandro, President and Chief Executive Officer (CEO) of POVA, what portion of the 1% paid by the City of Portland through its hotel/motel tax was dedicated to promotion of POVA.

**Mr. D'Alessandro** said POVA currently held the marketing contract for the Oregon Convention Center, which was about \$2.2 million a year. In addition, POVA had a contract with the City of Portland equal to one point of the room tax collected within the city of Portland, which equaled about \$2 million this year. In addition, POVA received private sector and membership dollars. The total marketing budget for Portland, the region, and the Convention Center was \$5.4 million a year. To answer Councilor Atherton's question, he said Portland ranked 42<sup>nd</sup> of its competitive set, which was far below the national average. It was currently in a competitive market place, but it had to sell the Convention Center and the region to make it successful, and they could do it with limited marketing resources. Any attempt to limit the resources would jeopardize the success of the facilities and of the region.

**Councilor Washington** said Jeff Stone, Council Chief of Staff, met with Bruce Warner, Chief Operating Officer, and Mark Williams, General Manager of MERC, to work out the support services agreement for MERC, but they were unable to reach an agreement. Now it was the Council's responsibility, and he said he asked Mr. Stone to write an amendment that would accomplish the following: 1) assume \$1.7 million as Metro's charge to MERC for support services, 2) lock the agreement for three years, and 3) neither privatize nor take over operation of MERC. He said it was time to acknowledge that Metro and MERC were part of each other, and

work through each decision as a family. His goal was to find a solution that was fair and equitable to everyone.

**Councilor Atherton** thanked Mr. D'Alessandro for the information he provided. He noted the good news that while Portland may be 42<sup>nd</sup>, it was ahead of Arlington, Texas, SuCATomato, California, and El Paso.

**Councilor McLain** said she has been working hard to communicate to her constituents in Forest Grove that MERC facilities were regional. She said as a private citizen, she has brought a 5,000 high school student convention to the Oregon Convention Center. She said the Council supported its facilities, honored its agreements, appreciated its volunteers, and expected efficiency, viability, fair charges, equitability and excellent program management. She said the Council was charged with the responsibility to review MERC's budget, and it took its responsibility very seriously. She thanked everyone for coming. The next step of the budget would be Council work sessions. She mentioned the next meetings on March 15, and March 29, and said the MERC budget would probably be discussed at the first meeting in April.

**Presiding Officer Bragdon** closed the public hearing.

## 11. RESOLUTIONS

11.1 **Resolution No. 00-2906**, For the Purpose of Amending the TOD Project Procedures to Facilitate TOD Projects including the Round at Beaverton Central.

**Motion:** **Councilor Kvistad** moved to adopt Resolution No. 00-2906.

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

**Councilor Kvistad** introduced Resolution No. 00-2906. A staff report to the resolution includes information presented by Councilor Kvistad and is included in the meeting record.

**Councilor McLain** added her support to the resolution. She said she has sat on the TOD committee for the past two years, and it seemed to be bringing a new quality to the type of development along the transit line. She said the resolution simply would allow the funds to be used in a different way.

**Councilor Park** said he would also be supporting this resolution for some of the same reasons as stated by Councilors Kvistad and McLain. Also, the ability to steer this activity into a different venue from the more traditional strip mall-type project but into premier projects benefiting the region. These newer type of projects can be difficult to put together, and the Council needs to help them move along.

**Councilor Atherton** said this resolution relates to expanding the flexibility of the TOD program. Metro's role is to provide research and development, that once proven, can go forward and be replicated. He said he would support the resolution.

**Councilor Washington** appreciated the support of the Council for this project. Three years ago this project was first reviewed. It's been waiting to be finished and its completion will greatly benefit the community.

**Presiding Officer Bragdon** said he would be supporting this resolution as it was the type of engagement with the private sector that would bring about the reality of the 2040 plan.

**Councilor Kvistad** closed by saying that this new development pattern caused by the new urban form needs support and close working relationships with the private sector to provide them surety regarding their lending policies. This new kind of development pattern has caused concern with regard to lending practices and needs Council support.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed.

## 12. COUNCILOR COMMUNICATIONS

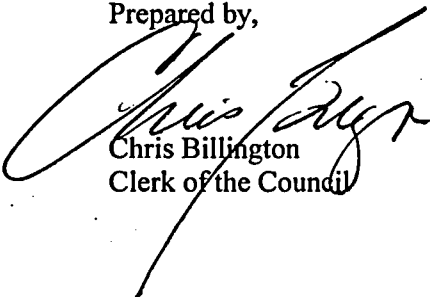
**Presiding Officer Bragdon** said he and Councilor Washington both had conversations with Diane Linn, Multnomah County Commissioner and liaison to MERC apprising her of current discussions with regard to MERC and to lessen concerns that the Council would act unilaterally. She appreciated the Council's willingness to work with the County, and they, too, would work cooperatively. Also, Presiding Officer Bragdon had conversed with City Councilman Saltzman and relayed the same information.

Presiding Officer Bragdon stated he would be out of the office the following Monday, Tuesday and Wednesday at a meeting in Montreal, Canada, and that Councilor Washington would be handling the arrangements for next Thursday's Council meeting.

## 13. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Bragdon adjourned the meeting at 9:40pm.

Prepared by,



Chris Billington  
Clerk of the Council



*Agenda Item Number 8.1*

**Ordinance No. 00-853, For the Purpose of Amending the FY 1999-00 Budget to Increase the Full-Time Equivalents in the Solid Waste Revenue Fund by 2.50 FTE for the Purpose of Increasing Staffing in the Hazardous Waste Program; and Declaring an Emergency**

*First Reading*

**Metro Council Meeting  
Thursday, March 16, 2000  
Metro Council Chamber**

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING THE FY 1999-00	)	
BUDGET TO INCREASE THE FULL-TIME	)	ORDINANCE NO. 00-853
EQUIVALENTS IN THE SOLID WASTE	)	
REVENUE FUND BY 2.50 FTE FOR THE	)	
PURPOSE OF INCREASING STAFFING IN	)	Introduced by Mike Burton,
THE HAZARDOUS WASTE PROGRAM, AND	)	Executive Officer
DECLARING AN EMERGENCY	)	

WHEREAS, The Metro Council has reviewed and considered the need to adjust the full-time equivalents with the FY 1999-00 Budget; and

WHEREAS, The need for an increase in full-time equivalents has been justified; and

WHEREAS, Adequate funds exist for this increase and for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 1999-00 Budget for the Solid Waste Revenue Fund is hereby amended by increasing the full-time equivalents by 2.50 FTE for the purpose of increasing staffing in the Hazardous Waste Program.

2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2000

\_\_\_\_\_  
David Bragdon, Presiding Officer

ATTEST:

Approved as to Form:

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

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

## STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 00-853, FOR THE PURPOSE OF AMENDING THE FY 1999-00 BUDGET TO INCREASE THE FULL-TIME EQUIVALENTS IN THE SOLID WASTE REVENUE FUND BY 2.50 FTE FOR THE PURPOSE OF INCREASING STAFFING IN THE HAZARDOUS WASTE PROGRAM, AND DECLARING AN EMERGENCY.

Date: April 1, 2000

Presented by: Jim Watkins

### ACTION REQUESTED AND PURPOSE OF THE ORDINANCE

The council is requested to adopt Ordinance No. 00-853, to add 2.50 FTE Hazardous Waste Technicians to Metro's Hazardous Waste Program to replace an equivalent amount of temporary worker hours, in order to resolve a union grievance issue.

### EXISTING LAW

In accordance with Metro Code section 2.02.335, council approval is required for all new positions.

### BACKGROUND AND ANALYSIS

The amount of waste handled by Metro's Hazardous Waste Program has increased substantially over the past several years. One result of this has been a significant increase in the use of temporary workers by the program. In June of 1999 AFSCME Local 3580 filed a grievance regarding the use of temporary workers in the Hazardous Waste Program. The grievance contends that the manner in which temporary workers are used is in violation of Metro's collective bargaining agreement with the union. Metro's response to the grievance proposed obtaining an analysis of staffing needs in the program by an outside consultant, and, if justified by the consultant's report, carrying forward to the Executive Officer and Metro Council a recommendation that some temporary positions be converted to permanent staff.

The IEC Group, a Portland-based human resources consulting firm, was hired to conduct the analysis of the hazardous waste program's staffing needs. The firm's report was completed in November 1999. The report concludes that an additional 3.50 FTE is needed in place of temporary employees to operate the current hazardous waste program.

Specific recommendations from the consultant include:

- adding a part-time (30 hours/week) Hazardous Waste Technician at both facilities. These Technicians would replace temporary workers that are typically scheduled on Mondays, Fridays and Saturdays.
- adding a full-time maintenance specialist that would be responsible for both hazardous waste facilities and the latex facility. Currently maintenance work is assigned on a rotating basis to

all of the hazardous waste staff. As a result, maintenance is often neglected, lacks consistency, and is inefficient as each person needs a certain amount of retraining.

- adding a technician to the Latex Paint Processing facility. The facility is currently staffed with only 1.0 FTE Hazardous Waste Specialist who reports to the Hazardous Waste Facility Supervisor at Metro South. Labor for actual processing of latex paint is provided by workers from St. Vincent de Paul Staffing Services, a Qualified Rehabilitation Facility (QRF). This technician is needed at the facility to run the office, market paint and to provide back up when the Specialist is not available to supervise the contract labor, much of which is currently being done by temporary staff.

After considering the report and the continued growth and success of the Hazardous Waste Program, REM Management agreed that additional staffing is necessary in order to maintain current levels of performance and service. To accommodate the consultant's recommendations, management first considered whether some of the workload could be shifted within the Environmental Services Division to minimize the increase in FTE's. As a result the Operations Supervisor for the transfer stations has agreed to be responsible for the maintenance requirements at the hazardous waste facilities. The Supervisor has one Management Technician and is currently responsible for administering the transfer, transport and disposal contracts and maintaining the scalehouses and the grounds at the transfer stations.

As a result Regional Environmental Management (REM) is requesting an additional 2.5 FTE in the Solid Waste Revenue Fund, Operating Account, to replace temporary workers and provide the appropriate coverage at the latex facility and the hazardous waste facilities. This changes the total FTE for the department from 96.85 FTE to 99.35. It is REM's belief that 2.5 new FTE and shifting maintenance responsibilities to the Operations Supervisor complies with the consultant's staffing recommendations.

#### Summary of proposed new FTE's:

- 1.0 FTE full time to assist with operations in the latex facility
- 1.5 FTE part time Hazardous Waste Technicians

If these new positions are approved, an equivalent reduction in temporary worker hours will be realized as soon as the new staff are hired. There will be some continued use of temporary workers primarily at collection events and to fill in for leaves, vacancies, etc. at the facilities. However this is not in violation of the union contract and is consistent with Staffing Recommendation number 4 from the consultants report, which said:

"the average temporary hour usage for FY 97/98 and 98/99 for Metro South and Metro Central is 10,766. This is an equivalent of 5.2 FTE's. Recommend that the balance of these hours ( $5.2 - 3.5 = 1.7$  FTE or 3,536 hours) be covered by a continuing temporary workforce. This will allow the operations the flexibility of a temporary workforce, especially during the slow months."

If these positions are not approved, it is likely that the union will continue to pursue the grievance, possibly requesting arbitration on the issue. If approved, the department will initiate recruitment for the positions and fill them as soon as possible.

The FY 2000-01 Proposed Budget for the Hazardous Waste Program includes an increase of 2.5 FTE to comply with the consultant's staffing recommendations. The action requested by this ordinance would have the increase in FTE occur prior to the adoption of the FY 2000-01.

### **FISCAL IMPACT**

The net fiscal impact of changing these positions from temporary help to permanent FTE is approximately \$9,000 for the remainder of the fiscal year. This results from an increase of \$28,000 for wages and benefits for the new FTE's, together with a decrease of \$19,000 due to decreased temporary worker usage. However, due to the change in appropriation levels for this fiscal year where Personal Services and Materials and Services are in one appropriation level, sufficient savings are available to cover this increase in cost.

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

The Executive officer recommends adoption of Ordinance No. 00-853.

*Agenda Item Number 9.1*

**Ordinance No. 00-850, For the Purpose of Authorizing a loan to Metro from the Oregon Economic and Community Development Department's Special Public Works Fund Loan Program; and Declaring an Emergency.**

***Second Reading***

**Metro Council Meeting  
Thursday, March 16, 2000  
Metro Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING A ) ORDINANCE NO. 00-850  
LOAN TO METRO FROM THE OREGON )  
ECONOMIC AND COMMUNITY ) Introduced by Executive Officer  
DEVELOPMENT DEPARTMENT'S ) Mike Burton  
SPECIAL PUBLIC WORKS FUND LOAN )  
PROGRAM; AND DECLARING AN )  
EMERGENCY )

SECTION A. FINDINGS. As the preamble to this Ordinance, the Metro Council recites the matters set forth in this Section. To the extent any of the following recitals relates to a finding or determination which must be made by the Council in connection with the subject matter of this Ordinance or any aspect thereof, the Council declares that by setting forth such recital such finding or determination is thereby made by the Council. This Section A and the recitals, findings and determinations set forth herein constitute a part of this Ordinance.

(A) POLITICAL SUBDIVISION. Metro is a municipality and political subdivision organized and existing under and pursuant to Article M, Section 14 of the Oregon Constitution, the laws of the State of Oregon and the Metro Charter. Metro is a "municipality" within the meaning of Oregon Revised Statutes 285.700(1).

(B) EXPO CENTER HALL "D" CONSTRUCTION. Metro is also in the process of designing and constructing a replacement building for Hall "D" and



installing landscaping and site improvements at the Expo Center, and needs to finance at this time all of the costs of such improvements.

(C) METRO AUTHORITY TO BORROW FUNDS. Metro is authorized under the laws of the State of Oregon, and, in particular, the Metro Charter and Metro Ordinance No. 93-495 (said Ordinance adding various financing provisions as Article VII of the Metro Code) (collectively, the "Act"); to issue bonds and other obligations for the purpose of providing the funds needed in connection with Metro's governmental undertakings. Metro Ordinance No. 91-43 9, enacted on December 21, 1991, as amended by Metro Ordinance No. 93-495, enacted on April 22, 1993 (said Ordinance No. 91-439 as amended by said Ordinance No. 93-495 being herein referred to as the "General Revenue Bond Master Ordinance"), provides a comprehensive framework for Metro to borrow money by issuing Bonds and entering into and incurring Financial Obligations payable from Metro's Revenues and Available Funds.

(D) SPECIAL PUBLIC WORKS FUND LOAN PROGRAM. Oregon Revised Statutes 285B.410 through 285B.482 (the "SPWF Act") authorizes any municipality to file an application with the Oregon Economic and Community Development Department ("the Department") to obtain financial assistance from the Special Public Works Fund loan program administered by the Department. In order to obtain the funds necessary to finance the costs of the Hall "D" project at Expo (herein referred to as the "Project"), Metro has determined to determined to

enter into a Financing Agreement (within the meaning of the General Revenue Bond Master Ordinance) with the Department pursuant to which Metro will borrow money through said Special Public Works Fund loan program. To that end, Metro has filed an application with the Department. The Department has approved Metro's application for financial assistance from the Special Public Works Fund pursuant to the SPWF Act. Metro is required, as a prerequisite to the receipt of financial assistance from the Department, to enter into a Financial Assistance Award Contract and a Loan Agreement with the Department in substantially the form on file with Metro's Chief Financial Officer in connection with the adoption of this Ordinance. The Project, as more particularly described in Exhibit "A" to the Loan Agreement, is an "infrastructure project" within the meaning of the SPWF Act which is needed by and is in the public interest of Metro.

NOW, THEREFORE, THE METRO COUNCIL ORDAINS AS FOLLOWS:

SECTION 1. TERMS DEFINED IN GENERAL REVENUE BOND MASTER ORDINANCE. All terms used in this Ordinance and not otherwise defined herein shall have the respective meanings assigned thereto in the General Revenue Bond Master Ordinance.

SECTION 2. LOAN AUTHORIZED. Pursuant to the Special Public Works Fund loan program, Metro shall borrow from the Department the principal sum of Fifteen Million Six Hundred Thirty-one Thousand Dollars (\$15,631,000) (the "Loan"). The

Executive Officer is hereby authorized, empowered and directed, for and on behalf of Metro, to establish and determine:

(a) the interest rate to be applicable to the Loan, *provided that* in no event shall the Loan bear interest at a rate in excess of 6.5% *per annum*; and

(b) the dates on which the principal of and accrued interest on the Loan shall be due and payable and the principal amount to be due on each such date.

SECTION 3. SECURITY. The Loan shall constitute a Financing Obligation under the General Revenue Bond Master Ordinance, and the Financing Documents (as defined below) shall constitute a Financing Agreement within the meaning of the General Revenue Bond Master Ordinance. The principal of and interest on the Loan shall be payable from the Revenues and Available Funds on a parity basis (*pari passu*) with the payment of all amounts owing under all Outstanding Debt Obligations. The obligation of Metro to make payments pursuant to the Loan Agreement is a full faith and credit obligation of Metro payable as aforesaid out of the Revenues and Available Fund and is an obligation that is not subject to annual appropriation. In accordance with the requirements of the General Revenue Bond Master Ordinance, Metro covenants and agrees to duly budget and appropriate Revenues and Available Funds in each fiscal year sufficient to pay when due all amounts of principal of and interest on the Loan.

SECTION 4. ADDITIONAL AUTHORIZATIONS. Metro's Executive Officer and

Chief Financial Officer, and each of them acting individually, are hereby authorized, empowered and directed, for and on behalf of Metro, to do and perform all acts and things necessary or appropriate to obtain the Loan and otherwise implement the provisions of this Ordinance, including but not limited to the execution and delivery of the Financial Assistance Award Contract, Loan Agreement, the Promissory Note attached as an Exhibit to the Loan Agreement (the "Financing Documents") and such documents, instruments, certificates and agreements as may be necessary or appropriate in connection with the Loan. The proceeds of the Loan shall be applied solely to the "Costs of the Project" as such term is defined in the Loan Agreement.

SECTION 5. MAINTENANCE OF TAX-EXEMPT STATUS. Metro hereby covenants and agrees that it will not take any action which would cause the interest on the Loan to become includable for federal income tax purposes in the gross incomes of the owner thereof, and that Metro will take all reasonable actions within its control necessary in order to ensure that the interest on the Loan remains excludable for federal income tax purposes from the gross incomes of the owner thereof. In addition, Metro further covenants and agrees that it will not make any use of the proceeds of the Loan or the lands and improvements to be financed with the proceeds of the Loan which would result in the Loan being or becoming (a) a private activity bond within the meaning of Section 141(a) of the Internal Revenue Code of 1986, as amended (the "Code") or (b) an arbitrage bond within the meaning of Code Section 148(a). Metro may, in subsequent Ordinances of the Council and in the certificates executed and delivered by Metro Executive Officer and the Metro Chief Financial Officer in connection with the Loan, make additional covenants to

insure that interest paid on the Loan will remain excludable for federal income tax purposes from the gross incomes of the owner thereof, in which event such additional covenants shall constitute contracts with the owner of the Loan.

SECTION 6. REIMBURSEMENT OUT OF LOAN PROCEEDS. Metro may reimburse expenditures for the Project with amounts received from the Department pursuant to the Financing Documents. Additionally, Metro understands that the Department may fund or reimburse itself for the funding of amounts paid to Metro pursuant to the Financing Documents with the proceeds of bonds issued by the State of Oregon pursuant to the SPWF Act. This Ordinance shall constitute "official intent" within the meaning of Section 1.150-2 of the Income Tax Regulations promulgated by the United States Department of the Treasury with respect to the funding or the reimbursement for the funding of the costs of the Project with the proceeds of the Loan pursuant to the Financing Documents and with the proceeds of any bonds issued by the State of Oregon pursuant to the SPWF Act.

SECTION 7. EMERGENCY CLAUSE. This Ordinance is necessary for the immediate preservation of public health, safety and welfare, in that it will secure the needed Project financing which has been offered by the Department; an emergency is therefore declared to exist, and this Ordinance shall take effect immediately, pursuant to Metro Charter Section 39(1).

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_ 2000.

\_\_\_\_\_  
David Bragdon, Presiding Officer

ATTEST:

Approved as to Form:

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

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

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2/24/2000

**METRO OPERATIONS COMMITTEE REPORT**

**CONSIDERATION OF ORDINANCE NO. 00-850, FOR THE PURPOSE OF AUTHORIZING A LOAN TO METRO FROM THE OREGON ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT'S SPECIAL PUBLIC WORKS FUND LOAN PROGRAM; AND DECLARING AN EMERGENCY**

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Date: February 24, 2000

Presented by: Councilor Washington

**Committee Action:** At its February 23, 2000 meeting, the Metro Operations Committee voted 3-0 to recommend Council adoption of Ordinance No. 00-850. Voting in favor: Councilors Atherton, Washington and Monroe.

**Background:** Ordinance 00-850 authorizes acceptance of a loan from the Oregon Economic and Community Development Department (OECDD) Special Public Works Fund (SPWF), to finance the replacement of Hall D at the Expo Center. The entire project cost of \$15,631,000 will be financed through this loan.

- **Existing Law:** Resolution 99-2833, adopted in September of 1999, authorizes Metro application to OECDD for a \$5,000,000 loan. The amount has since revised, to the full project cost of \$15,631,000.

**State Law:** ORS 285B.410-482, and various Metro ordinances, including Ordinance 91-439 "General Revenue Master Ordinance," govern Metro's ability to apply for and accept this loan.

- **Budget Impact:** The full loan amount will be \$15,631,000. The term will be 25 years with an interest rate of approximately 5.5%.
- **Committee Issues/Discussion:** The committee approved the ordinance following the staff presentation.

## STAFF REPORT

### CONSIDERATION OF ORDINANCE NUMBER 00-850 FOR THE PURPOSE OF AUTHORIZING A LOAN TO METRO FROM THE OREGON ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT'S SPECIAL PUBLIC WORKS FUND LOAN PROGRAM; AND DECLARING AN EMERGENCY.

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Date: February 14, 2000

Presented by: Tony Mounts

## FACTUAL BACKGROUND AND ANALYSIS

Ordinance 00-850 authorizes acceptance of a loan from the Oregon Economic and Community Development Department (OECDD) Special Public Works Fund (SPWF) to finance the replacement of Hall D at the Expo Center.

Resolution 99-2833, adopted on September 16, 1999, authorized submittal of a loan application to OECDD for the Hall D project. The total project cost for the replacement of Hall D is \$15,631,000. At the time Resolution 99-2833 was considered, the financing plan was based on a \$5 million loan from OECDD and the sale of General Fund-backed revenue bonds for the balance. In the interim, OECDD has determined that they can finance the entire project. This allows Metro to both avoid the costs of issuing debt and obtain a lower interest rate than would otherwise be possible.

In December, prior to the agreeing to finance to entire project, OECDD had awarded Metro a SPWF loan for \$5,013,000. An amendment to this award is in process and should be available by the time of final action on this ordinance. This ordinance authorizes Metro to accept the original award and authorizes the Executive Officer to accept the amendment when it is available.

The full loan amount, after the amendment, will be \$15,631,000. The term will be 25 years with an interest rate of approximately 5.5%. The final interest rate will be set at the time the bonds are sold in late March, 2000. The loan will be repaid from revenues charged for use of Expo facilities. Should Expo revenues be insufficient to pay the full debt service in any year, Metro's General Fund will be expected to provide the funds needed.

## BUDGET IMPACT

Receipt of this loan has been budgeted in the General Revenue Bond Fund in the FY2000-01 Budget. Debt service is anticipated to begin during FY2000-01 as well. Because the State sells bonds for specific projects, Metro will earn interest on the unspent portion of the loan during the construction draw down period. These earnings will be dedicated to payment of loan interest, reducing the debt service burden to Expo operations.

## EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 00-850.



*Agenda Item Number 10.1*

**Resolution No. 00-2904, For the Purpose of Approving the FY 2001 Unified Work Program.**

**Metro Council Meeting  
Thursday, March 16, 2000  
Metro Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING )  
THE FY 2001 UNIFIED WORK )  
PROGRAM )

RESOLUTION NO. 00-2904

Introduced by Councilor Jon Kvistad,  
JPACT Chair

WHEREAS, The Unified Work Program describes all federally-funded transportation planning activities for the Portland-Vancouver metropolitan area to be conducted in FY 2001; and

WHEREAS, The FY 2001 Unified Work Program indicates federal funding sources for transportation planning activities carried out by Metro, Regional Transportation Council, Oregon Department of Transportation, Tri-Met and the local jurisdictions; and

WHEREAS, Approval of the FY 2001 Unified Work Program is required to receive federal transportation planning funds; and

WHEREAS, the FY 2001 Unified Work Program is consistent with the proposed Metro budget submitted to the Metro Council; now, therefore,

BE IT RESOLVED,

That the Metro Council hereby declares:

1. That the FY 2001 Unified Work Program is approved.
2. That the FY 2001 Unified Work Program is consistent with the continuing, cooperative and comprehensive planning process and is given positive Intergovernmental Project Review action.
3. That Metro's Executive Officer is authorized to apply for, accept and execute grants and agreements specified in the Unified Work Program.

4. That the Memorandum of Understanding between Metro and the Southwest Washington Regional Transportation Council (RTC) is renewed for FY 2001.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
David Bragdon, Presiding Officer

Approved as to form:

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

Attachment: Exhibit A – Unified Work Program

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# **FY 2000-01 Draft Unified Work Program**

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## Transportation Planning in the Portland-Vancouver Metropolitan Area

Metro  
Southwest Washington Regional Transportation Council  
Oregon Department of Transportation  
City of Portland  
Tri-Met

Drafted – February 18, 2000

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## STAFF REPORT

### CONSIDERATION OF RESOLUTION NO. 00-2904 FOR THE PURPOSE OF APPROVING THE FY 2001 UNIFIED WORK PROGRAM.

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Date: February 7, 2000

Presented by Andrew C. Cotugno

## PROPOSED ACTION

This resolution would: 1) approve the Unified Work Program continuing the transportation planning work program for FY 2001; 2) authorize the submittal of grant applications to the appropriate funding agencies; and 3) extend the Memorandum of Understanding with the Regional Transportation Council (RTC).

## FACTUAL BACKGROUND AND ANALYSIS

The FY 2001 Unified Work Program (UWP) describes the transportation planning activities to be carried out in the Portland-Vancouver metropolitan region during the fiscal year beginning July 1, 2000. Included in the document are federally-funded studies to be conducted by Metro, Regional Transportation Council (RTC), the Oregon Department of Transportation (ODOT), the City of Portland, Tri-Met and local jurisdictions. Major commitments continue for implementing the adopted Regional Transportation Plan, completing the Highway 217 Corridor Study, developing alternatives in the South Corridor, and increasing the communication of transportation system performance, needs and proposed plans. In addition, it includes a greater emphasis on freight planning and further advancements in travel modeling in cooperation with Los Alamos National Laboratories.

## EXISTING LAW

Federal transportation agencies (Federal Transit Administration [FTA] and Federal Highway Administration [FHWA]) require an adopted Unified Planning Work Program as a prerequisite for receiving federal funds.

## BUDGET IMPACT

The UWP matches the projects and studies reflected in the proposed Metro budget submitted by the Metro Executive Officer to the Metro Council and is subject to revision in the final Metro budget.

Approval will mean that grants can be submitted and contracts executed so work can commence on July 1, 2000, in accordance established Metro priorities.

## EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 00-2904.

KT:rmb

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*Agenda Item Number 10.2*

**Resolution No. 00-2905, For the Purpose of Certifying that the Portland Metropolitan Area is in Compliance with Federal Transportation Planning Requirements.**

**Metro Council Meeting  
Thursday, March 16, 2000  
Metro Council Chamber**

JOINT RESOLUTION OF THE  
METRO COUNCIL  
AND OREGON STATE HIGHWAY ENGINEER

FOR THE PURPOSE OF CERTIFYING THAT )  
THE PORTLAND METROPOLITAN AREA IS )  
IN COMPLIANCE WITH FEDERAL )  
TRANSPORTATION PLANNING )  
REQUIREMENTS )

RESOLUTION NO. 00-2905

Introduced by Councilor Jon Kvistad,  
JPACT Chair

WHEREAS, Substantial federal funding from the Federal Transit Administration and Federal Highway Administration is available to the Portland metropolitan area; and

WHEREAS, The Federal Transit Administration and Federal Highway Administration require that the planning process for the use of these funds complies with certain requirements as a prerequisite for receipt of such funds; and

WHEREAS, Satisfaction of the various requirements is documented in Exhibit A; now, therefore,

BE IT RESOLVED,

That the transportation planning process for the Portland metropolitan area (Oregon portion) is in compliance with federal requirements as defined in Title 23 Code of Federal Regulations, Part 450, and Title 49 Code of Federal Regulations, Part 613.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
David Bragdon, Presiding Officer

APPROVED by the Oregon Department of Transportation State Highway Engineer this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
State Highway Engineer

## Metro Self-Certification

### 1. Metropolitan Planning Organization Designation

Metro is the MPO designated by the Governor for the urbanized areas of Clackamas, Multnomah and Washington Counties.

Metro is a regional government with seven directly elected Councilors and an elected Executive Officer. Local elected officials are directly involved in the transportation planning/decision process through the Joint Policy Advisory Committee on Transportation (JPACT) (see attached membership). JPACT provides the "forum for cooperative decision-making by principal elected officials of general purpose governments" as required by USDOT. The Metro Policy Advisory Committee deals with non-transportation-related matters with the exception of adoption and amendment to the Regional Transportation Plan (RTP).

### 2. Geographic Scope

Transportation planning in the Metro region includes the entire area within the Federal-Aid Urban boundary.

### 3. Agreements

- a. A basic memorandum of agreement between Metro and the Regional Transportation Council (Southwest Washington RTC) delineates areas of responsibility and coordination. Executed December 1997 and renewed yearly.
- b. An agreement between Tri-Met and Metro implementing the Intermodal Surface Transportation Efficiency Act of 1991. Executed April 1998.
- c. An agreement between ODOT and Metro implementing the Intermodal Surface Transportation Efficiency Act of 1991. Executed April 1998.
- d. Yearly agreements are executed between Metro and ODOT defining the terms and use of FHWA planning funds.
- e. Bi-State Resolution – Metro and RTC jointly adopted a resolution establishing a Bi-State Policy Advisory Committee.
- f. An agreement between Metro and the Department of Environmental Quality (DEQ) describing each agency's responsibilities and roles for air quality planning. Executed May 1998.



#### 4. Responsibilities, Cooperation and Coordination

Metro uses a decision-making structure, which provides state, regional and local governments the opportunity to participate in the transportation and land use decisions of the organization. The two key committees are the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Policy Advisory Committee (MPAC). These committees receive recommendations from the Transportation Policy Alternatives Committee (TPAC) and the Metro Technical Advisory Committee (MTAC).

##### JPACT

This committee is comprised of Metro Councilors (three); local elected officials (nine, including two from Clark County, Washington) and appointed officials from the Oregon Department of Transportation (ODOT), Tri-Met, the Port of Portland and the Department of Environmental Quality (DEQ). All transportation-related actions (including federal MPO actions) are recommended by JPACT to the Metro Council. The Metro Council can approve the recommendations or refer them back to JPACT with a specific concern for reconsideration. Final approval of each item, therefore, requires the concurrence of both bodies.

##### Bi-State Committee

The Bi-State Transportation Committee was created by joint resolution of the RTC Board and Metro in May of 1999. The Committee is charged with reviewing all issues of bi-state significance for transportation and presenting any recommended action to RTC and JPACT. The intergovernmental agreement between RTC and Metro states that JPACT and the RTC Board "shall take no action on an issue of bi-state significance without first referring the issue to the Bi-State Transportation Committee for their consideration and recommendation."

##### MPAC

This committee was established by the Metro Charter to provide a vehicle for local government involvement in Metro's planning activities. It includes local elected officials (11), appointed officials representing special districts (three), Tri-Met, a representative of school districts, citizens (three), Metro Councilors (two with non-voting status), Clark County, Washington (two) and an appointed official from the State of Oregon (with non-voting status). Under the Metro Charter, this committee has responsibility for recommending to the Metro Council adoption of or amendment to any element of the Charter-required Regional Transportation Plan.

The Regional Framework Plan was adopted on December 11, 1997 and addresses the following topics:

- Transportation
- Land-use (including the Metro Urban Growth Boundary and urban reserves)
- Open space and parks
- Water supply and watershed management
- Natural hazards

- Coordination with Clark County, Washington
- Management and implementation

In accordance with this requirement, the transportation plan developed to meet TEA-21 Rule 12 and Charter requirements will require a recommendation from both MPAC and JPACT. This will ensure proper integration of transportation with land use and environmental concerns.

## 5. Metropolitan Transportation Planning Products

- a. The Unified Work Program (UWP) is adopted annually by JPACT, the Metro Council and the Southwest Washington Regional Transportation Council. It fully describes work projects planned for the Transportation Department during the fiscal year and is the basis for grant and funding applications. The UWP also includes major projects being planned by member jurisdictions, particularly if federal funds are involved.

- b. Regional Transportation Plan (RTP)

An Interim Federal Regional Transportation Plan was adopted in July 1995 to meet ISTEA planning requirements, including an air quality conformity determination. An updated conformity determination on that plan was made in 1998. A major update to the plan is underway which is intended to complement the Region 2040 Growth Concept for land use and to address key state Transportation Planning Rule requirements. The current update began in late 1995 and has included extensive public involvement and inter-governmental review. The regional policy piece of the current update has been adopted and has set the direction for regional transportation system development and funding decisions since 1996. The proposed RTP update was adopted by Resolution No. 99-2878B in December 1999. The current update will conclude in mid-2000. At that time, the updated RTP will fully comply with all relevant federal and state planning requirements.

- c. Transportation Improvement Program

The Metropolitan Transportation Improvement Program (MTIP) was last updated in 1999 and incorporated into ODOT's 2000-2003 STIP. The 1999 update completed projects or project phases with prior funding commitments and allocated \$75 million of STP, CMAQ and Enhancement funds. The adopted MTIP features a three-year approved program of projects and a fourth "out-year." The first year of projects are considered the priority year projects. Should any of these be delayed for any reason, projects of equivalent dollar value may be advanced from the second and third years of the program without processing formal TIP amendments. This flexibility was adopted in response to ISTEA (now TEA-21) planning requirements. The flexibility reduces the need for multiple amendments throughout the year. The FY 2000-2003 MTIP was completed in FY 2000. FY 2000-2001 will see development of the FY 2002-2005 joint MTIP/ STIP and implementation of priority FY 2001 projects. The TIP and air quality conformity determination were approved by FHWA and FTA on January 31, 2000.

6. Planning Factors

Metro's planning process addresses the seven TEA-21 planning factors in all projects and policies. The table below describes this relationship. The TEA-21 planning factors are:

- Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity and efficiency;
- Increase the safety and security of the transportation system for motorized and non-motorized users;
- Increase the accessibility and mobility options available to people and for freight;
- Protect and enhance the environment, promote energy conservation and improve quality of life;
- Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
- Promote efficient management and operations; and
- Emphasize the preservation of the existing transportation system.

Factor	System Planning (RTP)	Funding Strategy (MTIP)	HCT Planning
1. Support Economic Vitality	<ul style="list-style-type: none"> <li>• RTP policies linked to land use strategies that promote economic development</li> <li>• Industrial areas and intermodal facilities identified in policies as "primary" areas of focus for planned improvements</li> <li>• Comprehensive, multi-modal freight improvements that link intermodal facilities to industry are detailed for 20-year plan period</li> <li>• Highway LOS policy tailored to protect key freight corridors</li> <li>• RTP recognizes need for freight linkages to destinations beyond the</li> </ul>	<ul style="list-style-type: none"> <li>• All projects subject to consistency with RTP policies on economic development and promotion of "primary" land use element of 2040 development such as industrial areas and intermodal facilities</li> <li>• Special category for freight improvements calls out the unique importance for these projects</li> <li>• All freight projects subject to funding criteria that promote industrial jobs and businesses in the "traded sector"</li> </ul>	<ul style="list-style-type: none"> <li>• HCT plans designed to support continued development of regional centers and central city by increasing transit accessibility to these locations</li> <li>• HCT improvements in major commute corridors lessen need for major capacity improvements in these locations, allowing for freight improvements in other corridors</li> </ul>

	region by all modes		
2. Increase Safety	<ul style="list-style-type: none"> <li>The RTP policies call out safety as a primary focus for improvements to the system</li> <li>Safety is identified as one of three implementation priorities for all modal systems (along with preservation of the system and implementation of the region's 2040 growth management strategy)</li> </ul>	<ul style="list-style-type: none"> <li>All projects ranked according to specific safety criteria</li> <li>Road modernization and reconstruction projects are scored according to relative accident incidence</li> <li>All projects must be consistent with regional street design guidelines that provide safe designs for all modes of travel</li> </ul>	<ul style="list-style-type: none"> <li>Station area planning for proposed HCT improvements is primarily driven by pedestrian access and safety considerations.</li> </ul>
3. Increase Accessibility	<ul style="list-style-type: none"> <li>The RTP policies are organized on the principle of providing accessibility to centers and employment areas with a balanced, multi-modal transportation system</li> <li>The policies also identify the need for freight mobility in key freight corridors and to provide freight access to industrial areas and intermodal facilities</li> </ul>	<ul style="list-style-type: none"> <li>Measurable increases in accessibility to priority land use elements of the 2040 growth concept is a criterion for all projects</li> <li>The MTIP program places a heavy emphasis on non-auto modes in an effort to improve multi-modal accessibility in the region</li> </ul>	<ul style="list-style-type: none"> <li>The planned HCT improvements in the region will provide increased accessibility to the most congested corridors and centers</li> <li>Planned HCT improvements provide mobility options to persons traditionally underserved by the transportation system</li> </ul>
4. Protect Environment and Quality of Life <i>(continued)</i>	<ul style="list-style-type: none"> <li>The RTP is constructed as a transportation strategy for implementing the region's 2040 growth concept. The growth concept is a long-term vision for retaining the region's livability through managed growth</li> <li>The RTP system has been "sized" to minimize the impact on the built and natural environment</li> <li>The region will be developing an environmental street</li> </ul>	<ul style="list-style-type: none"> <li>The MTIP conforms to the Clean Air Act</li> <li>The MTIP focuses on allocating funds for clean air (CMAQ), livability (Transportation Enhancement) and multi- and alternative-modes (STIP)</li> <li>Bridge projects in lieu of culverts have been funded through the MTIP</li> </ul>	<ul style="list-style-type: none"> <li>Light rail improvements provide emission-free transportation alternatives to the automobile in some of the region's most congested corridors and centers</li> <li>HCT transportation alternatives enhance quality of life for residents by providing an alternative to auto travel in congested corridors and centers</li> </ul>

	<p>design guidebook to facilitate making transportation improvements in sensitive areas, and to coordinate transportation project development with regional strategies to protect endangered species</p> <ul style="list-style-type: none"> <li>• The RTP conforms to the Clean Air Act</li> <li>• Many new transit, bicycle, pedestrian and TDM projects have been added to the plan in recent updates to provide a more balanced, multi-modal system that maintains livability</li> </ul>		
<p>4. Protect Environment and Quality of Life <i>(continued)</i></p>	<ul style="list-style-type: none"> <li>• RTP transit, bicycle, pedestrian and TDM projects planned for the next 20 years will complement the compact urban form envisioned in the 2040 growth concept by promoting an energy-efficient transportation system</li> <li>• Metro is coordinating its system level planning with resource agencies to identify and resolve key issues</li> </ul>		
<p>5. System Integration/Connectivity</p>	<ul style="list-style-type: none"> <li>• The RTP includes a functional classification system for all modes that establishes an integrated modal hierarchy</li> <li>• The RTP policies and UGMFP* include a street design elements that integrates</li> </ul>	<ul style="list-style-type: none"> <li>• Projects funded through the MTIP must be consistent with regional street design guidelines</li> <li>• Freight improvements are evaluated according to potential conflicts with other modes</li> </ul>	<ul style="list-style-type: none"> <li>• Planned HCT improvements are closely integrated with other modes, including pedestrian and bicycle access plans for station areas and park-and-ride and passenger drop-off facilities a major stations</li> </ul>

	<p>transportation modes in relation to land use for all regional facilities</p> <ul style="list-style-type: none"> <li>• The RTP policies and UGMFP include connectivity provisions that will increase local and major street connectivity</li> <li>• The RTP freight policies and projects address the intermodal connectivity needs at major freight terminals in the region</li> <li>• The intermodal management system identifies key intermodal links in the region</li> </ul>		
6. Efficient Management & Operations	<ul style="list-style-type: none"> <li>• The RTP policy chapter includes specific system management policies aimed at promoting efficient system management and operation</li> <li>• Proposed RTP projects includes many system management improvements along regional corridors</li> <li>• The RTP financial analysis includes a comprehensive summary of current and anticipated operations and maintenance costs</li> </ul>	<ul style="list-style-type: none"> <li>• Projects are scored according to relative cost effectiveness (measured as a factor of total project cost compared to measurable project benefits)</li> <li>• TDM projects are solicited in a special category to promote improvements or programs that reduce SOV pressure on congested corridors</li> </ul>	<ul style="list-style-type: none"> <li>• Proposed HCT improvements include redesigned feeder bus systems that take advantage of new HCT capacity and reduce the number of redundant transit lines</li> </ul>
7. System Preservation	<ul style="list-style-type: none"> <li>• Proposed RTP projects includes major roadway preservation projects</li> <li>• The RTP financial analysis includes a comprehensive summary of current and anticipated operations and maintenance costs</li> </ul>	<ul style="list-style-type: none"> <li>• Reconstruction projects that provide long-term maintenance are identified as a funding priority</li> </ul>	<ul style="list-style-type: none"> <li>• The RTP financial plan includes the 20-year costs of HCT maintenance and operation for planned HCT systems</li> </ul>

- \* UGMFP is the acronym for the Urban Growth Management Functional Plan, an adopted regulation that requires local governments in Metro's jurisdiction to complete certain planning tasks.

## 7. Public Involvement

Metro maintains a continuous involvement process which provides public access to key decisions and supports early and ongoing development. The Metro Council adopted public involvement procedures for Metro and area governments to follow for any activities that will result in modification to the MTIP or the RTP. The procedures reflect ISTEA public involvement with adequate notice and broad participation. Metro actively seeks means to involve and recruit transportation underserved for its numerous studies and project committees.

All Metro UWP studies and projects that have a public comment period require an approved public involvement plan (PIP). Included in every PIP are creative strategies, tools and methods to best involve its diverse citizenry. Some of these may include citizen committees, task forces, newsletters, public opinion survey techniques, and media relations.

Both the RTP update and the South/North Environmental Impact Statement (EIS) had citizen advisory committees to help with key decisions. The South Willamette River Crossing Study utilized stakeholder groups and numerous community outreach activities. The Traffic Relief Options Study included a 12-member citizen Task Force and held a substantial number of focus group stakeholder workshop sessions. The MTIP does not have a formal citizen oversight committee, but hearings and workshops are held related to actions on the criteria, project solicitation, project ranking, and the recommended program. For FY 00-01, two new citizen committees are likely for the Highway 217 and I-5 corridor studies.

Finally, the Transportation Policy Alternatives Committee (TPAC) includes six citizen positions. TPAC makes recommendations to JPACT and the Metro Council.

8. Title VI – The last formal submittal was June 1999 to the Federal Transit Administration. No response was received. An in-house review with the ODOT Title VI Coordinator was held in June 1997. Based on that review, Metro was found in compliance. The next ODOT review will be in 2001.

## 9. Disadvantaged Business Enterprise

A revised DBE program was adopted by the Metro Council in June 1997 (Ordinance 97-692A). Overall agency goals were set for DBEs and Women-Owned Business Enterprises (WBE) as well as contract goals by type. Metro's Executive Officer in August 1999 approved an overall DBE annual goal for Metro of 11.9% in accordance with 49 CFR Part 26. This goal was established utilizing ODOT's formula to determine DBE availability of "ready, willing and able" firms for federally funded professional and construction projects.

Metro's DEB program was reviewed and determined to be in compliance by FTA after conducting a Triennial Review in August 1999.

## 10. Americans with Disabilities Act (ADA)

The Americans with Disabilities Act Joint Complementary Paratransit Plan was adopted by the Tri-Met Board in December 1991 and was certified as compatible with the RTP by Metro Council in January 1992. The plan was phased in over five years and Tri-Met has been in compliance since January 1997. Metro approved the 1997 plan as in conformance with the Regional Transportation Plan. FTA audited and approved the plan in summer 1999.

rmb C:\Resolutions\UWP 2001\Exhibit A.doc



## STAFF REPORT

### CONSIDERATION OF RESOLUTION NO. 00-2905 FOR THE PURPOSE OF CERTIFYING THAT THE PORTLAND METROPOLITAN AREA IS IN COMPLIANCE WITH FEDERAL TRANSPORTATION PLANNING REQUIREMENTS.

Date: February 7, 2000

Presented by Andrew C. Cotugno

## PROPOSED ACTION

This resolution certifies that the Portland metropolitan area is in compliance with federal transportation planning requirements as defined in Title 2.3, Code of Federal Regulations, Part 450 and Title 49, Code of Federal Regulations, Part 613.

## FACTUAL BACKGROUND AND ANALYSIS

Required self certification areas include:

- Metropolitan Planning Organization (MPO) designation
- Geographic scope
- Agreements
- Responsibilities, cooperation and coordination
- Metropolitan Transportation Planning products
- Planning factors
- Public Involvement
- Title VI
- Disadvantaged Business Enterprise (DBE)
- Americans with Disabilities Act (ADA)

Each of these areas is discussed in Exhibit A to Resolution 00-2904.

## EXISTING LAW

Federal transportation agencies (Federal Transit Administration [FTA] and Federal Highway Administration [FHWA]) require a self-certification that our planning process is in compliance with certain federal requirements as a prerequisite to receiving federal funds. The self-certification documents that we have met those requirements and is considered yearly at the time of Unified Work Program approval.

## BUDGET IMPACT

Approval of this resolution is a companion to the Unified Work Program. It is a prerequisite to receipt of federal planning funds and is, therefore, critical to the Metro budget. The UWP matches the projects and studies reflected in the proposed Metro budget submitted by the Metro Executive Officer to the Metro Council and is subject to revision in the final Metro budget.

Approval will mean that grants can be submitted and contracts executed so work can commence on July 1, 2000, in accordance established Metro priorities.

## EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 00-2905.



# MEMORANDUM

City of Beaverton  
Community Development Department

"make it  
happen"

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**To:** Rob Drake, Mayor  
Joe Grillo, Community Development Director

**From:** Hal Bergsma, Principal Planner

**Date:** January 7, 2000

**Subject:** URA 65 Governance Options

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This memorandum reviews options for City involvement in the development of the portion of Urban Reserve Area 65 that was recently approved by the Metro Council to be included within the urban growth boundary.

## Background

In 1998 Joe signed a memorandum of understanding with John Rosenberger which anticipated executing an Intergovernmental Agreement to define the City's role in governance of the future development of URA 65 after Metro's adoption of a concept plan for the area. At the time, it was thought that after its inclusion within the UGB the area would be placed in an appropriate "holding zone" before the adoption of urban zoning. Furthermore, it was stated that rezoning and approval for urban development of any lands in URA 65 added to the UGB would occur only after the parties had reached agreement for the delayed annexation of the property to the city and any necessary service districts.

In October 1999 the Board of County Commissioners, with the support of the City, adopted Ordinance No. 546. Contingent on Metro action to include the subject properties in the UGB, the ordinance applied the County's R-9 (Residential - 9 dwelling units per acre) designation to the properties, included the properties within the Bethany Community Plan area and added applicable design provisions to the community plan. Among these design provisions is one which states:

*Prior to final approval of an application to develop property in the area, the property owner and the City of Beaverton shall enter into an agreement for delayed annexation of the property to the City and annexation to any necessary service districts.*

The Metro Council approved an ordinance including 109 acres of Urban Reserve Area 65 within the urban area on December 16, 1999 by a 4-3 vote. According to Ken Helm of the Metro General Counsel's Office, the amendment was not adopted with an emergency clause, and therefore becomes effective 90 days later, on March 16, 2000. Pursuant to the terms of County Ordinance No. 546, the urban R-9 designation would be applied to the properties 30 days later, on April 15, 2000.


In communications I have had with Jeff Bachrach, attorney for Ryland Homes, since the Metro Council approval of the UGB amendment, he has indicated that his client will likely want to proceed with submittal of a development application for the subject properties as soon as possible. The only things that might prevent this are (1) an appeal of the Metro Council decision which includes a request for a stay of implementation of the decision, which is granted; and (2) complications in ownership of the subject properties that prevent coordinated development. The latter results from the fact that another developer controls properties fronting on Springville Road,

the main access route to the subject properties. Ordinance No. 546 contains a provision stating that "...no development application for a property in the area shall be approved prior to approval of a master plan for all properties in the area." If the other developer is unwilling to sign an application for a master plan of the area, the development cannot proceed.

The Metro Code does not require that the area be annexed to a city before it is developed.

#### Options for City Involvement In URA 65 Development

Based on previous discussions Joe and I have had, I see at least four options for the City to consider in establishing its role in the control of future development of the subject properties. Each of these options is defined and discussed below.



Option 1: Allow development and building to proceed in the County. Defer annexation until other parts of the Bethany area are ready for annexation, possibly through an annexation plan. This option has the advantage of keeping the City out of what is likely to be a contentious development review process, and delaying annexation until it becomes more efficient to provide City services, particularly police patrol and local road maintenance. (The area is located at least two miles driving distance from the nearest point in the City, and about seven miles from City Hall.)

Delaying annexation to a later date, however, would mean the City would not be taking advantage of the present willingness of one of the area's potential developers, Ryland Homes, to annex. Additionally, we would not be able to control or derive any fees from the area's development, and we would forgo any other revenues that might be derived from the area (property taxes, franchise fees) until deferred annexation occurs.

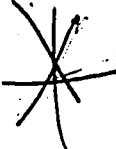
Option 2: Enter into an Intergovernmental Agreement with the County, similar to the County/City of Tigard agreement for the Bull Mountain area. This option would allow the City to govern development of the area, and receive the development fees it generates without immediate annexation. This option would require the County to adopt the City's development regulations as part of the County's Community Development Code. (The County may also have to amend its road construction standards.) The CDC amendment would require adoption of a land use ordinance by the Board. This means the developer would have to be willing to delay submittal of a development application until the required public hearing process is completed and the ordinance becomes effective. Given the requirements of State law and the County Charter, this would probably be no sooner than early June, and it could take longer. It is unlikely the developer would want to wait that long.

The revenue implications of this option would depend on how the IGA is structured. However, the City would not derive any property taxes or franchise fees from the area under this approach.

Option 3: Initiate an expedited annexation of the area, so that it is within the City before urban zoning becomes effective in Mid-April. This would allow the City to have full control of development in the area, and receive all development-related fees. If annexation could be completed through an expedited process before the middle of March, the City could begin deriving property tax revenues from the area by July 1. The City would have to amend its plan and zone maps and somehow amend its plan text to apply the County adopted development provisions in conjunction with annexation.

As with Option 2, the City would be taking on development review of a major project that is likely to be very controversial. This would require the commitment of significant staff

resources, and may put the City in the position of being viewed as the "bad guy" by Bethany area residents for enabling the area's development.



Option 4: Consistent with the adopted community plan provision cited on the first page, allow the development review to occur through the County, but have the County condition development approval to require annexation prior to construction and issuance of building permits. This option is similar to Option 3, except that annexation would be delayed until after final approval of the initial master plan development application. This would allow the City to avoid being directly embroiled in any controversy related to review of the development application, but still control the construction and building process. Due to the likely timing of final approval of development review, the City would not have the properties on its tax base until July 1 of 2001, but the City would receive building permit and TIF revenues.

Although the City would not control the development review process, City staff, through an MOU between Joe and John Rosenberger, could participate in the review process including attending the pre-app and any relevant County staff meetings, and reviewing the draft staff report. Jeff Bachrach has stated that Ryland Homes is willing to design the project to meet City standards even if it goes through the County's process.

Jeff Bachrach has indicated to me that his client will want to begin working on preparation of a development application as soon as possible, so that it can be submitted when urban zoning on the property becomes effective. To do this, they need to know soon what development regulations, County and/or City, they will have to address. Therefore, a decision on this issue is important in the short term. Lacking a decision and barring a stay of the Metro ordinance by LUBA, the developers will likely proceed with the County process after April 15.