

A G E N D A

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METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING
DATE: June 15, 2006
DAY: Thursday
TIME: 2:00 PM
PLACE: Metro Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. CONSENT AGENDA

3.1 Consideration of Minutes for the June 8, 2006 Metro Council Regular Meeting.

4. ORDINANCES - SECOND READING

4.1 **Ordinance No. 06-1113A**, For the Purpose of Adopting the Annual Budget For FY 2006-07 Making Appropriations, and Levying Ad Valorem Taxes, and Declaring an Emergency. Hosticka

4.2 **Ordinance No. 06-1123**, For the Purpose of Amending Metro Code Chapter 2.04 to Repeal Metro Code Section 2.04.026, to Modify Other Provisions Relating to Metro Contracting; and to Make Related Changes. McLain

5. RESOLUTIONS

5.1 **Resolution No. 06-3708**, For the Purpose of Authorizing the Chief Operating Officer To Enter Into Options to Purchase Property Under the Proposed 2006 Natural Areas Bond Measure in Accord With the Open Spaces Implementation Work Plan. Burkholder

6. CONTRACT REVIEW BOARD

6.1 **Resolution No. 06-3661**, For the Purpose of Approving a Work Program For the 2035 Regional Transportation Plan Update and Authorizing the Chief Operating Officer to Amend Contract No. 926975. Burkholder

7. RESOLUTIONS – PUBLIC HEARING

- 7.1 **Resolution No. 06-3706**, For the Purpose of Entering an Order Relating to the Roger and Ann Miracle Claim for Compensation Under ORS 197.352 (Measure 37)

8. CHIEF OPERATING OFFICER COMMUNICATION

9. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for June 15, 2006 Metro Council meeting

| | |
|--|--|
| Clackamas, Multnomah and Washington counties, and Vancouver, Wash. Channel 11 -- Community Access Network www.yourtv.org -- (503) 629-8534 2 p.m. Thursday, June 15 (live) | Portland Channel 30 (CityNet 30) -- Portland Community Media www.pcmtv.org -- (503) 288-1515 8:30 p.m. Sunday, June 18 2 p.m. Monday, June 19 |
| Gresham Channel 30 -- MCTV www.mctv.org -- (503) 491-7636 2 p.m. Monday, June 19 | Washington County Channel 30 -- TVC-TV www.tvctv.org -- (503) 629-8534 11 p.m. Saturday, June 17 11 p.m. Sunday, June 18 6 a.m. Tuesday, June 20 4 p.m. Wednesday, June 21 |
| Oregon City, Gladstone Channel 28 -- Willamette Falls Television www.wftvaccess.com -- (503) 650-0275 Call or visit website for program times. | West Linn Channel 30 -- Willamette Falls Television www.wftvaccess.com -- (503) 650-0275 Call or visit website for program times. |

PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, (503) 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 e-mail, fax or mail or in person to the Clerk of the Council. For additional information about testifying before the Metro Council please go to the Metro website www.metro-region.org and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE)
ANNUAL BUDGET FOR FISCAL YEAR 2006-07)
MAKING APPROPRIATIONS, AND LEVYING)
AD VALOREM TAXES, AND DECLARING AN)
EMERGENCY)

ORDINANCE NO 06-1113A

Introduced by
David Bragdon, Council President

WHEREAS, the Multnomah County Tax Supervising and Conservation Commission held its public hearing on the annual Metro budget for the fiscal year beginning July 1, 2006, and ending June 30, 2007; and

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

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The "Fiscal Year 2006-07 Metro Budget," in the total amount of THREE HUNDRED FOURTEEN MILLION THIRTY EIGHT THOUSAND SEVEN HUNDRED NINETY SIX DOLLARS (\$314,038,796), attached hereto as Exhibit B, and the Schedule of Appropriations, attached hereto as Exhibit C, are hereby adopted.

2. The Metro Council does hereby levy ad valorem taxes, as provided in the budget adopted by Section 1 of this Ordinance, at the rate of \$0.0966 per ONE THOUSAND DOLLARS (\$1,000) of assessed value for operations and in the amount of NINETEEN MILLION ONE HUNDRED EIGHTY SIX THOUSAND EIGHT HUNDRED ELEVEN DOLLARS (\$19,186,811) for general obligation bond debt, said taxes to be levied upon taxable properties within the Metro District for the fiscal year 2006-07. The following allocation and categorization subject to the limits of Section 11b, Article XI of the Oregon Constitution constitute the above aggregate levy.

SUMMARY OF AD VALOREM TAX LEVY

| | Subject to the General Government <u>Limitation</u> | Excluded from the <u>Limitation</u> |
|------------------------------|---|--|
| Operating Tax Rate Levy | \$0.0966/\$1,000 | |
| General Obligation Bond Levy | | \$19,186,811 |

3. In accordance with Section 2.02.040 of the Metro Code, the Metro Council hereby authorizes positions and expenditures in accordance with the Annual Budget adopted by Section 1 of this Ordinance, and hereby appropriates funds for the fiscal year beginning July 1, 2006, from the funds and for the purposes listed in the Schedule of Appropriations, Exhibit C.

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

5. This Ordinance being necessary for the health, safety, or welfare of the Metro area, for the reason that the new fiscal year begins July 1, 2006, and Oregon Budget Law requires the adoption of a budget prior to the beginning of the fiscal year, an emergency is declared to exist and the Ordinance takes effect upon passage.

ADOPTED by the Metro Council on this 22nd day of June, 2006.

David Bragdon, Council President

ATTEST:

Approved as to Form:

Chris Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 06-1113 ADOPTING THE ANNUAL BUDGET FOR FISCAL YEAR 2006-07, MAKING APPROPRIATIONS AND LEVYING AD VALOREM TAXES, AND DECLARING AN EMERGENCY

Date: March 16, 2006

Presented by: David Bragdon
Metro Council President

BACKGROUND

I am forwarding to the Metro Council for consideration and approval my proposed budget for fiscal year 2006-07.

Metro Council action, through Ordinance No. 06-1113 is the final step in the process for the adoption of Metro's operating financial plan for the forthcoming fiscal year. Final action by the Metro Council to adopt this plan must be completed by June 30, 2006.

Once the budget plan for fiscal year 2006-07 is approved by the Metro Council, the number of funds and their total dollar amount and the maximum tax levy cannot be amended without review and certification by the Tax Supervising and Conservation Commission. Adjustments, if any, by the Metro Council to increase the level of expenditures in a fund are limited to no more than 10 percent of the total value of any fund's expenditures in the period between Metro Council approval in early May 2006 and adoption in June 2006.

Exhibits B and C of the Ordinance will be available at the public hearing on March 16, 2006.

ANALYSIS/INFORMATION

1. **Known Opposition** – Metro Council hearings will be held on the Proposed Budget during the months of March and April 2006. Several opportunities for public comments will be provided. Opposition to any portion of the budget will be identified during that time.
2. **Legal Antecedents** – The preparation, review and adoption of Metro's annual budget is subject to the requirements of Oregon Budget Law, ORS Chapter 294. Oregon Revised Statutes 294.635 requires that Metro prepare and submit its approved budget to the Tax Supervising and Conservation Commission by May 15, 2006. The Commission will conduct a hearing during June 2006 for the purpose of receiving information from the public regarding the Metro Council's approved budget. Following the hearing, the Commission will certify the budget to the Metro Council for adoption and may provide recommendations to the Metro Council regarding any aspect of the budget.
3. **Anticipated Effects** – Adoption of this ordinance will put into effect the annual FY 2006-07 budget, effective July 1, 2006.
4. **Budget Impacts** – The total amount of the proposed FY 2006-07 annual budget is \$307,839,475 and 671.88 FTE.

RECOMMENDED ACTION

The Metro Council President recommends adoption of Ordinance No. 06-1113.

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BEFORE THE METRO COUNCIL

| | |
|--|--|
| AMENDING METRO CODE CHAPTER 2.04 TO) | ORDINANCE NO. 06-1123 |
| REPEAL METRO CODE SECTION 2.04.026, TO) | |
| MODIFY OTHER PROVISIONS RELATING TO) | Introduced by Chief Operating Officer |
| METRO CONTRACTING, AND TO MAKE) | Michael J. Jordan, with the concurrence of |
| RELATED CHANGES) | Council President David Bragdon |
|) | |

WHEREAS; Metro is required from time to time to contract for the provisions of goods and services, for the construction of public improvements and for the acceptance of grants, and

WHEREAS, it is in the public interest to assure that Metro's public contracts, personal services contracts, public improvement contracts and grants are performed in accordance with Council policies and directions; now therefore,

THE METRO COUNCIL ORDAINS as follows:

Section 1. Metro Code Section 2.04.026 is amended to read as follows:

2.04.026 Council Approval of Contracts

(a) Notwithstanding any other provisions of this chapter, the Chief Operating Officer, Metro Attorney, or Auditor must obtain authorization by the Council prior to execution of the following types of contracts:

~~(1) Any contract which commits Metro to the expenditure of appropriations not otherwise provided for in the current fiscal year budget at the time the contract is executed and which has a significant impact on Metro. The following types of contracts shall be considered to have significant impacts unless the Council finds that under the circumstances a contract will not have a significant impact:~~

~~_____ (A) Any public contract for a term greater than 12 months for private operation of all or of a major part of a Metro facility or concessions at a Metro facility.~~

~~_____ (B) Any public improvement contract for an amount over \$50,000.~~

~~_____ (C) Any public contract which will potentially result in a material (more than 5 percent of the related fund) loss of revenues or increase in expenditures in more than one year in any Metro fund.~~

~~_____ (D) Any contract for personal services for a term greater than 12 months and in an amount greater than \$50,000.~~

~~_____ (E) Any contract for personal services for an amount greater than \$50,000 related to Metro's exercise of its regional planning functions pursuant to Section 5 of the Metro Charter.~~

~~(F) Any contract for personal services for an amount over \$50,000 related to the study by Metro of exercising authority, pursuant to Section 7 of the Metro Charter, over additional functions.~~

~~(2)(1)~~ Any agreement entered into pursuant to ORS Chapter 190 by which Metro acquires or transfers any interest in real property, assumes any function or duty of another governmental body, or transfers any function or duty of Metro to another governmental unit; or

~~(3)(2)~~ Any contract for the purchase, sale, lease or transfer of real property owned by Metro. However, the Chief Operating Officer may execute options to purchase real property.

~~(b) Prior to adoption of the annual budget, the Chief Operating Officer shall submit a list of proposed contracts over \$50,000 to be entered into during the next fiscal year. The Council shall designate in the annual budget ordinance which contracts have a significant impact on Metro.~~

~~Thereafter, if the Chief Operating Officer proposes to enter into a contract that will commit Metro to the expenditure of appropriations not provided for in the current fiscal year budget in an amount greater than \$50,000 that the Council has not considered during the annual budget process, the Chief Operating Officer shall inform the Council President in writing and shall recommend whether the contract should be classified as a significant impact contract. The Council President shall immediately cause copies of the notice to be furnished to all members of the Council. The Council may determine that the contract has a significant impact on Metro within 10 days of receipt of the notice from the Chief Operating Officer. If the contract is determined by the Council to have a significant impact on Metro, execution by the Chief Operating Officer shall be subject to Council authorization. If the Council does not determine that the contract has a significant impact on Metro, the Chief Operating Officer may execute the contract after transmitting a description of the purpose of the contract, the appropriation to which contract payments will be charged, and a summary of the scope of work to be performed to the Council or a Council committee as deemed appropriate by the Council President.~~

~~(c)(b) All contracts which require Council authorization pursuant to subsections (a)(1) or (b)(2) above and which are subject to procedures for competitive sealed bidding, for competitive sealed proposals, or for special procurements shall require Council authorization of the request for sealed bids, request for sealed proposals, or requests for special procurements to release of bidding or proposal or special procurement documents to vendors. At the time of Council authorization of the documents seeking competitive sealed bids, competitive sealed proposals, or special procurements, the Council may waive the requirement of Council authorization of the contract.~~

Section 2. Metro Code Section 2.04.028 is amended to read as follows:

2.04.028 Council Information Reports

(a) Prior to adoption of the annual budget, the Chief Operating Officer shall provide the Council with a list of proposed contracts and proposed applications of Metro for grant funding over \$100,000 to be entered into or sought during the next fiscal year. Following the adoption of the annual budget, if the Chief Operating Officer proposes (1) to enter into a contract that will commit Metro to the expenditure of appropriations not provided for in the current fiscal year budget in an amount greater than \$100,000 that the Council has not considered during the annual budget process; or (2) to seek any

individual grant funding in an amount greater than \$100,000 that the Council has not considered during the annual budget process, the Chief Operating Officer shall inform the Council President in writing of such contract or grant proposal.

(b) The Chief Operating Officer shall provide a monthly report to Council showing all contracts awarded, ~~and~~ amended and completed during the preceding month, all Metro applications for grant funding greater than \$100,000, and all grants awarded by Metro greater than \$25,000.

(c) The Chief Operating Officer shall make available to the Council on request information showing the status of all contracts whether listed in the adopted budget or not.

Section 3. Metro Code Section 2.04.046 is amended to read as follows:

2.04.046 Personal Services Contract Amendments

(a) Personal services contracts ~~of an initial amount of \$50,000 or less~~ may be amended to increase the amount of the contract to no more than twice the original contract amount. The limit provided in this subsection is cumulative and includes any and all contract amendments or extensions. Any contract amendment(s) in excess of this limit ~~requires~~ shall require approval by the Metro Council. The Metro Council shall determine whether it is appropriate to amend the contract in light of the policies set forth in ORS 279A.015 and ORS 279B.010.

(b) ~~Contracts with an initial amount of greater than \$50,000 may be amended provided that any amendment that increases the total amount payable to an amount more than \$100,000 greater than the initial contract amount shall be subject to approval by the Metro Council. The Metro Council shall determine whether it is appropriate to amend the contract, in light of the policies set forth in ORS 279A.015 and ORS 279B.010. Notwithstanding the provisions of subsection (a) of this section, personal services contracts may be amended to increase the amount of the contract to an amount more than twice the original contract amount if the original personal services contract was let by a formal competitive procurement, the amendment is for the purpose of authorizing additional work for which unit prices were provided that established the cost for the additional work and the original contract governs the terms and conditions of the additional work.~~

Section 4. Metro Code Section 2.04.053(a) is amended to add the following:

“(20) Contracts with any media outlet for the purchase of classified advertising, display advertising or the placement of public notices to publicize legal notices of public meetings and procurements.”

Section 5. Metro Code Section 2.04.058 is amended to read as follows:

2.04.058 Public Contract Amendments

(a) The Chief Operating Officer may execute amendments to public contracts ~~which were not designated as contracts having a significant impact on Metro~~, provided that any one of the following conditions are met:

- (1) The original contract was let by a formal competitive procurement process, the amendment is for the purpose of authorizing additional work for which unit prices or alternates were provided that established the cost for the additional

work and the original contract governs the terms and conditions of the additional work; or

- (2) The amendment is a change order that resolves a bona fide dispute with the contractor regarding the terms and conditions of a contract for a public improvement and the amendment does not materially add to or delete from the original scope of work included in the original contract; or

(3) The contract amendment to a contract for a public improvement does not increase the contract amount more than \$25,000 if the amount of the aggregate cost resulting from all amendments authorized pursuant to this subsection does not exceed 5 percent of the initial contract. In computing the dollar amount of any amendment for the purpose of this subsection, only the amount of additional work or extra cost shall be considered and may not be offset by the amount of any deletions.

- (4) The amount of the aggregate cost increase resulting from all amendments does not exceed 20 percent of the initial contract if the face amount is less than or equal to \$1,000,000 or 10 percent if the face amount is greater than \$1,000,000; amendments made under subsection (1) or (2) are not included in computing the aggregate amount under this subsection;

(5) The amendment is for a change order for additional work if the original contract was let by a formal competitive procurement, the amendment is for the purpose of authorizing additional work for which unit prices or bid alternates were provided that established the cost for the additional work and the original contract governs the terms and conditions of the additional work;

- (6) The amendment is for a change order to a public improvement contract in order to meet an emergency; or

~~(4)-(7)~~ (7) The Metro Contract Review Board has authorized the extension of the contract amendment.

~~(b) No contract which was designated as a contract having a significant impact on Metro may be amended without the express approval of the Council evidenced by a duly adopted resolution or ordinance; except as follows:~~

- ~~(1) The Chief Operating Officer may approve any amendment that is a change order that resolves a bona fide dispute with the contractor regarding the terms and conditions of a contract for a public improvement if the amendment does not materially add to or delete from the original scope of work included in the original contract. Provided, however, the Chief Operating Officer must obtain Council approval for any such change order that results in a total aggregate increase of more than 5 percent of the original contract amount. If the Council approves a change order pursuant to this subsection it may also in the same~~

~~action authorize additional change orders to resolve future disputes in an amount not to exceed that established by the Council.~~

~~(2) The Chief Operating Officer may approve any contract amendment to a contract for a public improvement that does not increase the contract amount more than \$25,000 if the amount of the aggregate cost resulting from all amendments authorized pursuant to this subsection does not exceed 5 percent of the initial contract. In computing the dollar amount of any amendment for the purpose of this subsection, only the amount of additional work or extra cost shall be considered and may not be offset by the amount of any deletions.~~

~~(3) The Chief Operating Officer may approve a change order for additional work if the original contract was let by a formal competitive procurement, the amendment is for the purpose of authorizing additional work for which unit prices or bid alternates were provided that established the cost for the additional work and the original contract governs the terms and conditions of the additional work.~~

~~(4) The Chief Operating Officer may approve a change order to a public improvement contract in order to meet an emergency.~~

~~(e)(b)~~ No public contract may be amended to include additional work or improvements that are not directly related to the scope of work that was described in the competitive process utilized to award the contract.

~~(d) For the purpose of this section any contract which was subject to specific Council authorization of its execution prior to the effective date of this ordinance shall be considered to be a contract that has a significant impact on Metro.~~

ADOPTED by the Metro Council this _____ day of _____, 2006.

David Bragdon, Council President

Attest:

Approved as to Form:

Christina Billington, Recording Secretary

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 06-1123, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 2.04 to REPEAL METRO CODE SECTION 2.04.026, TO MODIFY OTHER PROVISIONS RELATING TO METRO CONTRACTING, AND TO MAKE RELATED CHANGES

Date: May 12 2006

Prepared by: David Biedermann

BACKGROUND

In early 2005 the Metro Council updated the Metro Code regarding public contracts to reflect the 2003 Oregon Legislature major revisions to public contracting law, Oregon Revised Statutes Chapter 279. Subsequently, the Council engaged staff in discussing further changes to simplify the contracting process at Metro regarding the oversight of contracts and to include a similar Council overview of grant applications in generally the same manner as contracts. The proposed ordinance is the result of those conversations.

The focus of this legislation is fourfold:

- To simplify Council review prior and subsequent to budget adoption of the major contracts proposed in the budget,
- To ensure notification after budget adoption of newly proposed contracts (i.e., not in the adopted budget),
- To ensure the Council has the opportunity to be aware of all contracts at any time,
- To enhance Council awareness of the grant process to/from Metro.

The current system involves a complex set of rules regarding designation of a contract as having “significant impact”, which requires Council action. In some cases mandatory review is topical, in others it is monetary, and in still others it is both. However, unless a contract meets specific criteria, Council interest in a particular proposed contract may or may not be met as a result.

The proposed alternative is a simple one.

- The current designation of “significant impact” would cease. Instead, the Council would view contracts as a whole at budget time, not just specific ones meeting certain topical criteria.
- The proposed budget would have a list of all contracts over \$100,000 (increased from the current \$50,000 level) proposed for the coming fiscal year. The list would be grouped into: (1) contracts continuing from the current budget year into the new one, and (2) new proposed contracts (which would require standard bid procedures).

- As is the case now, as part of the budget adoption process, Council would accept the list of existing and proposed contracts, and no further review would be required.
- After adoption of the budget, any additional contracts over \$100,000 not in the list in the budget would require notification of the Council through a Chief Operating Officer communication (it could be a Council work session presentation, but in any case the current “10 day letter” process would continue). Council can either agree to proceed by declining to respond or any Councilor can request discussion at a work session.
- On a monthly basis, the Chief Operating Officer will provide the Council a list of all contracts awarded, amended and/or completed (“completed” being a new reporting criteria).
- Current grants over \$100,000 continuing from the current fiscal year and proposed grants the departments wish to pursue would be reported in the same manner. However, presentation of revenue grants during the budget process will not constitute legal appropriation. If the grant application is submitted, accepted and awarded to Metro by the granting agency, the responsible department must submit a budget amendment to recognize the revenue.
- Grants anticipated to be awarded by Metro (e.g., the Solid Waste enhancement and Nature in Neighborhood grants) would operate the same way, except the reporting level would be \$25,000. These would be budgeted as appropriations.

Two areas of contracting would require Council action (these are in the current Code) in any circumstance. These are:

- Any agreement entered into pursuant to ORS Chapter 190 by which Metro acquires or transfers any interest in real property, assumes any function or duty of another governmental body, or transfers any function or duty of Metro to another governmental unit.
- Any contract for the purchase, sale, lease or transfer of real property owned by Metro. The Chief Operating Officer could execute options (which would require Council approval) to purchase real property, however.

ANALYSIS/INFORMATION

1. **Known Opposition:** None.
2. **Legal Antecedents:** Metro Code 2.04, State of Oregon Revised Statutes (ORS) Chapters 279A, 279B and 279C.
3. **Anticipated Effects:** Will provide consistent and clear reporting mechanism to Metro Council for contracts and grants for Metro staff.

4. **Budget Impacts:** Minor cost savings. Eliminating the annual identification of “significant impact” contracts will save some staff time. Developing the list of proposed contracts is for the most part a function of reviewing the existing budget and proposed new work plans for the coming year. When the budgets are submitted to the Council, those resources already exist, thus we should be able to turn in the contract lists in less time and staff work.

RECOMMENDED ACTION

Chief Operating Officer recommends passage of Ordinance 06-1123.

BEFORE THE METRO COUNCIL

| | | |
|------------------------------------|---|--|
| FOR THE PURPOSE OF AUTHORIZING THE |) | RESOLUTION NO. 06-3708 |
| CHIEF OPERATING OFFICER TO ENTER |) | |
| INTO OPTIONS TO PURCHASE PROPERTY |) | |
| UNDER THE PROPOSED 2006 NATURAL |) | |
| AREAS BOND MEASURE IN ACCORD WITH |) | Introduced by Chief Operating Officer |
| THE OPEN SPACES IMPLEMENTATION |) | Michael J. Jordan, with the concurrence of |
| WORK PLAN |) | Council President David Bragdon |

WHEREAS, the Metro Council has taken a leadership role in identifying remaining natural areas in the Metro area and planning for their protection; and

WHEREAS, Resolution No. 06-3672B “For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection,” adopted by the Metro Council on March 9, 2006 (the “2006 Natural Areas Bond Measure”), recommended submission to the voters of a general obligation bond to preserve natural areas and clean water and protect fish and wildlife; and

WHEREAS, Resolution No. 05-3612 “For the Purpose of Stating an Intent to Submit to the Voters the Question of the Establishment of a Funding Measure to Support Natural Area and Water Quality Protection and Establishing a Blue Ribbon Committee; and Setting Forth the Official Intent of the Metro Council to Reimburse Certain Expenditures out of the Proceeds of Obligations to Be Issued in Connection with the Regional Parks and Greenspaces Program,” adopted by the Metro Council on September 29, 2005, directed staff to work on obtaining options to purchase specific properties approved by the Metro Council, as part of the preliminary work associated with the proposed funding measure; and

WHEREAS, in accord with Resolution No. 05-3612, Metro staff has identified opportunities to purchase specific properties in the proposed 2006 Natural Areas Bond Measure Target Areas, which properties are identified and further described in Exhibit A; and

WHEREAS, expenditure authority exists in the Fiscal Year 2005-2006 Adopted Budget totaling \$75,000 to pay for due diligence and provide earnest money for the entry into agreements to purchase property in the proposed 2006 Natural Areas Bond Measure Target Areas, conditioned upon passage of the 2006 Natural Areas Bond Measure and Metro Council approval, as directed by Resolution No. 05-3612 as set forth on the schedule attached as Exhibit B; and

WHEREAS, in accord with Resolution No. 06-3687 (“For the Purpose of Authorizing the Chief Operating Officer to Enter Into Options to Purchase Property Under the 1995 Open Spaces Bond Measure and Proposed 2006 Natural Areas Bond Measure in Accord With the Open Spaces Implementation Work Plan and Providing Funding”) Metro Council approved spending up to an additional \$100,000 for the purchase of option agreements or as earnest money for property in the proposed 2006 Natural Areas Bond Measure Target Areas, conditioned upon passage of the 2006 Natural Areas Bond Measure and Metro Council approval, as directed by Resolution No. 05-3612; and

WHEREAS, all terms of the transactions contemplated herein shall be governed by the 1995 Open Spaces Implementation Work Plan, set forth in Metro Council Resolution No. 95-2228A “For the Purpose of Authorizing the Executive Officer to Purchase Property with Accepted Acquisition Guidelines

as Outlined in the Open Spaces Implementation Work Plan,” adopted on November 21, 1995; now therefore

BE IT RESOLVED BY THE METRO COUNCIL THAT:

Metro Council hereby authorizes the Chief Operating Officer to enter into agreements of purchase and sale and/or agreements for options to purchase the properties identified in Exhibit A, conditioned upon passage of the 2006 Natural Areas Bond Measure and in accord with the parameters of the Open Spaces Implementation Work Plan.

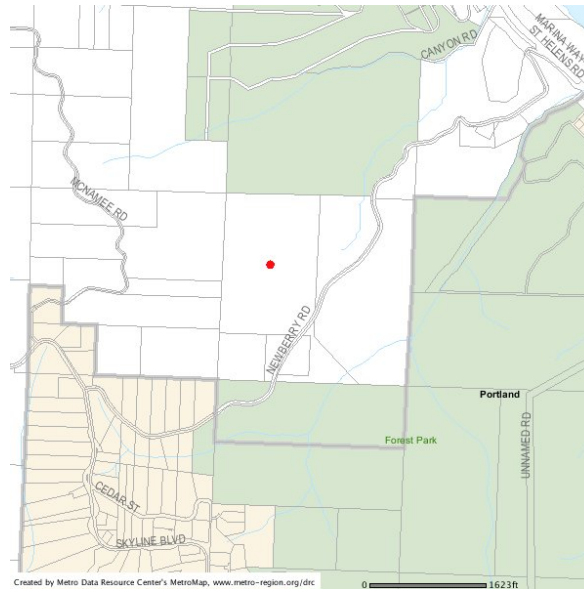
ADOPTED by the Metro Council this _____ day of _____ 2006.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

EXHIBIT A
RESOLUTION NO. 06-3708



Target Area: FOREST PARK

Description: This 57.5-acre parcel is located along NW Newberry Road. It is currently improved with two single-family residences clustered near Newberry Road with the remainder of the property containing a combination of open meadows and mixed coniferous and deciduous forest. The entire property is currently available for sale on the open market.

Metro's 267-acre Ennis Creek property is located adjacent to the northern boundary of this parcel, and Forest Park proper – including the northerly terminus of the Wildwood Trail – is located one property south of this parcel along both sides of NW Newberry Road. As such, this property represents a very important connection between Forest Park and the Ennis Creek property and provides a potential corridor for extension of the Wildwood Trail from the south side of NW Newberry Road to Metro's Ennis Creek property to the north.

Additionally, at least two of the neighboring landowners have also verbally agreed to grant a trail easements through their property in order to facilitate extending the Wildwood Trail from Newberry Road through the property in question to the Ennis Creek property. If this 57.5-acre parcel is not acquired now, it will be sold to a private party who will likely raze both residences and redevelop the property with two larger single-family residences set farther back from the road that would have a greater impact on the integrity of the site's natural area features.

- Option Criteria** - Adjacent to Metro's 267-acre Ennis Creek property
- Addressed:** - Represents an important connection between Forest Park proper and the Ennis Creek property
- Potential to extend Wildwood Trail to Ennis Creek property
 - City of Portland and Friends of Forest Park strongly support this acquisition
 - Protects / Enhances diverse upland habitat and wildlife species

Managers: Metro will manage the property

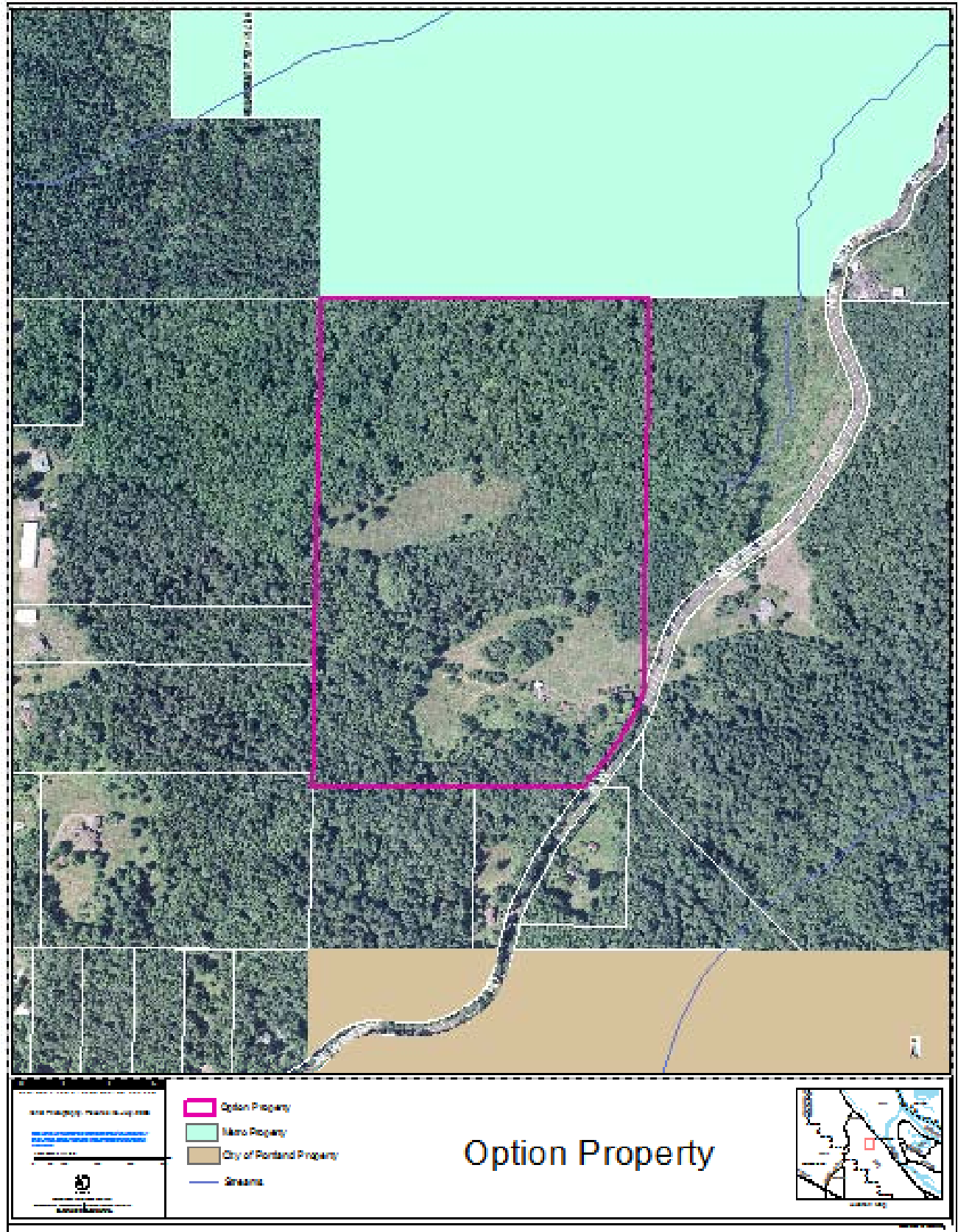
Sellers: Private Party

Size: 57.5-acres

Stream Frontage: None

Option Price: The Trust For Public Land will provide initial funding until Bond Measure passes

Conditions: Metro Council Approval, Appraisal and Environmental Review, Bond Measure





Target Area: TUALATIN HEADWATERS

Description: This 44.19-acre property is located adjacent to Metro's Gotter Prairie Natural Area (GPNA). The majority of this property lies within the 100-yr floodplain in the McFee Creek sub basin of the Tualatin watershed basin and has over 1/3 mile of frontage along McFee Creek proper. It exhibits several regionally uncommon native species including Oregon oak (*Quercus garryana*), and camas lily (*Camassia quamash*). Acquiring this site will support several key goals of the 2006 Natural Areas Bond Measure by expanding the core area of protected habitat associated within the GPNA, protecting declining native oak habitat, and providing broader restoration opportunities such as expanded seasonal flooding to support a state-sensitive northern red-legged frog (*Rana aurora aurora*) population which breeds at the GPNA.

Option Criteria Addressed:

- Adjacent to an important public owned natural area
- Protects / Enhances water quality of a major tributary to the Tualatin River
- Protects / Enhances riparian habitat and wildlife
- Provides broader restoration opportunities

Managers: Metro will manage this property

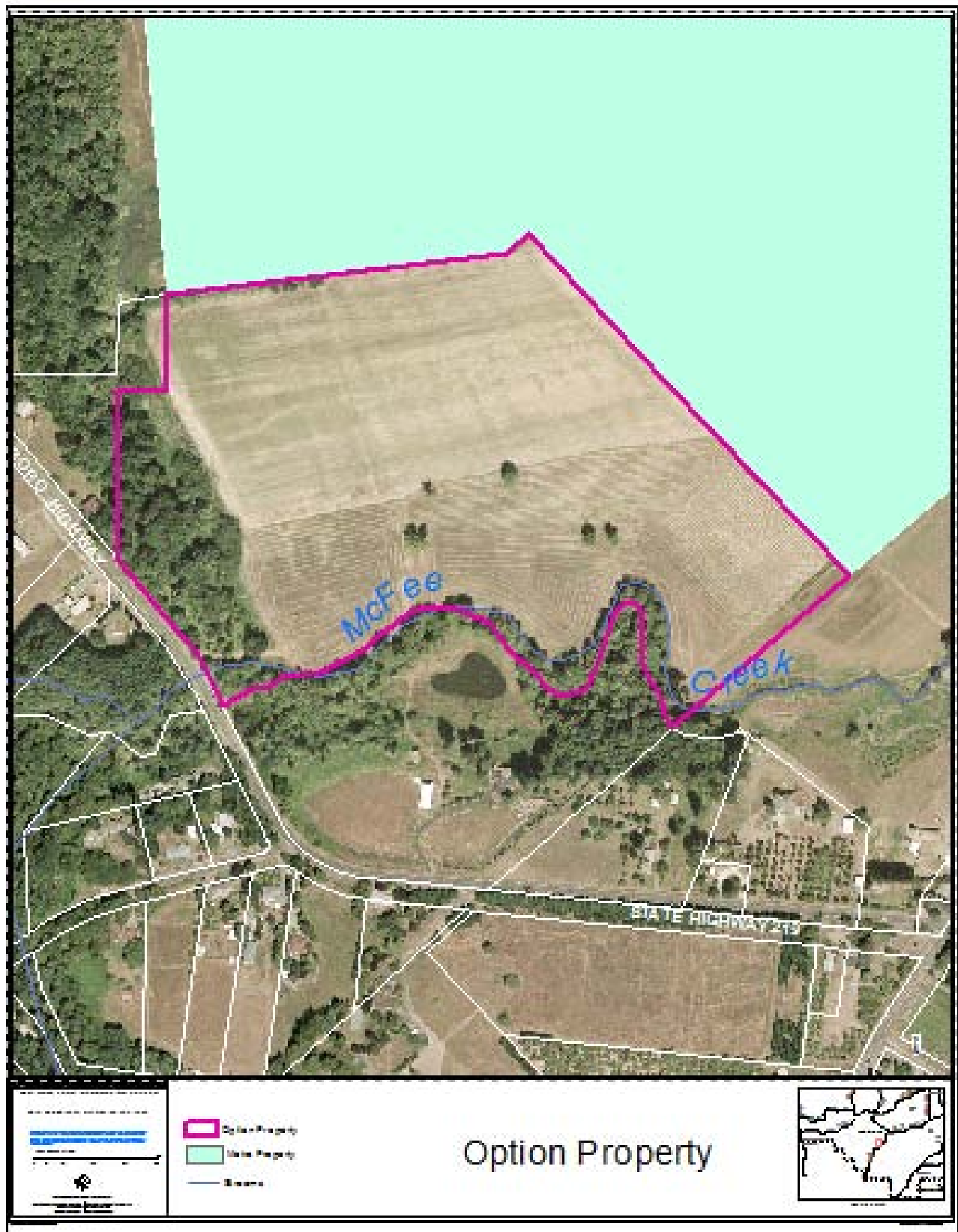
Sellers: Private Party

Size: 44.19 acres

Stream Frontage: McFee Creek

Option Price: \$4,000 in escrow for an exclusive 11-month option.

Conditions: Metro Council Approval, Appraisal and Environmental Review, Bond Measure



Target Area: JOHNSON CREEK – Gilbert’s Ridge

Description: This 13-acre parcel in the urban Johnson Creek watershed is in southeast Portland on Foster and 150th. There is an opportunity to protect this heavily forested site with several significant drainages that flow into Johnson Creek. The parcel connects to an additional 20 acres of land, currently owned by Multnomah County Transportation creating a ribbon of greenspace along Foster Road.

City of Portland Bureau of Environmental Services and Bureau of Parks strongly support acquisition of Gilbert’s Ridge, an opportunity to acquire land in the urbanized watershed, and a unique opportunity to extend the wildlife habitat of the Powell Butte Natural area, and will manage the property.

**Option Criteria
Addressed:**

- Protects / Enhances Water Quality
- Enhances habitat protection of Powell Butte natural area
- Acquisition strongly supported by City of Portland
- Adjacent or close to other public land holdings with high resource value including Powell Butte, the Springwater Corridor, BES Willing Seller Property, Kelley Creek salmonoid habitat restoration projects and open space on Clatsop Butte.
- Preserves connectivity for an urban wildlife or recreation corridor.

Managers: City of Portland will manage the property

Sellers: Private Party

Size: 13 acres

Stream Frontage: Johnson Creek

Option Price: \$8,000 in cash for 9 month exclusive option

Conditions: Metro Council Approval, Bond Measure, Appraisal and Environmental



EXHIBIT B
RESOLUTION NO. 06-3708

FUNDING FOR OPTIONS

| Target Area | Property Owner | Size (acres) | Estimated Option Funds Required |
|-----------------------------|----------------|-----------------|---------------------------------------|
| Forest Park | Private Party | 52.5 | \$0 |
| LowerTualatin Headwaters | Private Party | 44.19 | \$4,000 |
| Johnson Creek | Private Party | 13.1 | \$8,000 |
| | | | \$ |
| | | | |
| | | | |
| | | | \$ |

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 06-3708 FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO ENTER INTO OPTIONS TO PURCHASE PROPERTY UNDER THE PROPOSED 2006 NATURAL AREAS BOND MEASURE IN ACCORD WITH THE OPEN SPACES IMPLEMENTATION WORK PLAN

Date: May 31, 2006

Prepared by: William Eadie
Hillary Wilton

BACKGROUND

Metro staff was directed by Metro Council on September 29, 2005 (Resolution No. 05-3612 “For the Purpose of Stating an Intent to Submit to the Voters the Question of the Establishment of a Funding Measure to Support Natural Area and Water Quality Protection and Establishing a Blue Ribbon Committee and Setting Forth the Official Intent of the Metro Council to Reimburse Certain Expenditures Out of the Proceeds of Obligations to be Issued in Connection with the Regional Parks and Greenspaces Program”) to obtain options to purchase specific properties approved by Council, as part of the preliminary work for the 2006 Natural Areas Bond Measure. As part of the FY 2005-06 Adopted Budget, the Metro Council approved spending up to \$75,000 for the purchase of options or as earnest money in preparation for the 2006 Natural Areas Bond Measure. As part of Resolution No. 06-3687 (“For the Purpose of Authorizing the Chief Operating Officer to Enter Into Options to Purchase Property Under the 1995 Open spaces Bond Measure and Proposed 2006 Natural Areas bond Measure in Accord With the Open Spaces Implementation Work Plan and Providing Funding”) Metro Council approved spending up to an additional \$100,000 for the purchase of options or as earnest money in preparation for the 2006 Natural Areas Bond Measure.

Metro staff has identified opportunities to enter into purchase and sale agreements to acquire property in the proposed 2006 Natural Areas Bond Measure Target Areas, conditioned upon passage of the 2006 Natural Areas Bond Measure, Metro Council approval and funding to provide earnest money for these opportunities. Council approval is necessary to enter into these agreements.

Forest Park Property

Forest Park is the largest and most ecologically intact natural area in the metropolitan region and is considered by many to be the “crown jewel” of the region’s natural area system. Forest Park is a Target Area identified in the 2006 Natural Areas Bond Measure.

Staff has identified a 57.5-acre parcel located along NW Newberry Road. The parcel is currently improved with two single-family residences clustered near Newberry Road with the remainder of the property containing a combination of open meadows and mixed coniferous and deciduous forest. The entire property is currently available for sale on the open market.

This property contains a variety of wildlife and is populated with resident and migratory birds. Sweeping views of Mt. St. Helens and surrounding forests are also a key feature of this site. Metro’s 267-acre Ennis Creek property is located adjacent to the northern boundary of this parcel, and Forest Park proper – including the northerly terminus of the Wildwood Trail – is located one property south of this parcel along both sides of NW Newberry Road. As such, the property represents a very important connection between Forest Park and the Ennis Creek property and a potential corridor for extension of the Wildwood Trail from the south side of NW Newberry Road to Metro’s Ennis Creek property to the north. Additionally, at least two of the neighboring landowners have also verbally agreed to allow a trail

easement through their property in order to facilitate the extension of the Wildwood Trail from Newberry Road through the property in question to the Ennis Creek property. If this 57.5-acre parcel is not acquired now, it will be sold to a private party who will likely raze both residences and redevelop the property with two larger single-family residences. The structures may be set farther back from the road impacting the natural resource values of the parcel, and potentially cutting off any future trail connection.

While the owners of this property are strong conservationists and wish to see this property preserved, they are not in a position to wait until November 2006 to see if the Bond Measure passes. In order to tie up this property today, the Trust For Public Land, a 501©3 organization, which protects open space sites throughout the United States, has agreed to provide the necessary funding to complete initial acquisition in anticipation of the passage of the 2006 Natural Areas Bond Measure. Through a land use partition process, the Trust intends to create a new lot of record containing a single 5-acre home site including the newer single-family residence and a second separate lot of record that will contain the older single-family residence and the remaining 52.5-acres of the original site. If Metro desires, shortly before 2006 Natural Areas Bond Measure vote, the Trust will raze the older residence and, following passage of the Bond Measure, will sell the vacant 52.5 acres – including all of the remaining natural conservation area – to Metro at appraised market value. The important natural resource features of the overall site and the potential trail corridor will be protected. The Trust also plans to retain the newer single-family residence and the surrounding 5-acre home site in order to market this property to recover a portion of their initial investment.

Lower Tualatin Headwaters Property

Watersheds in the southwest Chehalem Mountains retain significant wildlife habitat value. Acquisition of riparian lands within these headwater areas will safeguard water quality in the Lower Tualatin River Basin, a Target Area identified in the 2006 Natural Areas Bond Measure.

Staff has identified a 44.19-acre property located along SW Hillsboro Highway in Scholls. The majority of this property lies within the 100-year floodplain in the McFee Creek sub basin of the Tualatin watershed basin and has over 1/3 mile of frontage along McFee Creek proper. The site lies adjacent to Metro's Gotter Prairie Natural Area (GPNA) and exhibits several regionally uncommon native species including Oregon oak (*Quercus garryana*) and camas lily (*Camassia quamash*). Acquiring this site will support several key goals of the 2006 Natural Areas Bond Measure by expanding the core area of protected habitat associated within the GPNA, protecting declining native oak habitat, and providing broader restoration opportunities such as expanded seasonal flooding to support a state-sensitive northern red-legged frog (*Rana aurora aurora*) population.

Johnson Creek and Watershed Property

Johnson Creek originates in Boring, Oregon, and travels 26 miles west through Clackamas and Multnomah counties, Gresham and Portland before reaching its confluence with the Willamette River in Milwaukie. About 170,000 people live within the 52 square miles that make up the watershed. Johnson Creek remains the most densely urbanized creek in the region and is a Target Area identified in the 2006 Natural Areas Bond Measure.

Staff has identified an opportunity to acquire 13 acres in this urbanized watershed. The property, known as "Gilbert's Ridge" is a forested site with a significant drainage running along the east parcel. The parcel connects to an additional 20 acres of land, currently owned by Multnomah County Transportation, creating a ribbon of green space along Foster Road. Staff has discussed continued protection of this parcel with Multnomah County and is optimistic about negotiating a property transfer.

City of Portland Bureau of Environmental Services and Bureau of Parks strongly support acquisition of Gilbert's Ridge, to extend the wildlife habitat of the Powell Butte Natural Area, and will manage the

property. Details of these options are outlined in Exhibit A and B of the Resolution.

Other Opportunities

Staff is pursuing specific opportunities in 1995 Target Areas: Forest Park, Tryon Creek; Fanno Creek, and Canemah Bluff, and in 2006 Bond Measure Target Areas: Rock Creek, Stafford, Columbia Slough, Damascus Buttes, Johnson Creek and Cazadero Trail. The combined opportunities are representative of the region, geographically diverse and represent 2006 Bond Measure goals.

These agreements to acquire property in the 1995 Open Spaces Bond Measure Target Areas and proposed 2006 Natural Areas Bond Measure Target Areas will be conditioned upon passage of the 2006 Natural Areas Bond Measure, and shall be brought forth to Council for approval.

ANALYSIS/INFORMATION

1. Known Opposition

None known.

2. Legal Antecedents

Resolution No. 06-3672B, "For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisitions and Water Quality Protection"

Resolution No. 05-3612, "For the Purpose of Stating an Intent to Submit to the Voters the Question of the Establishment of a Funding Measure to Support Natural Area and Water Quality Protection and Establishing a Blue Ribbon Committee; and Setting Forth the Official Intent of the Metro Council to Reimburse Certain Expenditures Out of the Proceeds of Obligations to be Issued in Connection with the Regional Parks and Greenspaces Program"

3. Anticipated Effects

Metro will enter into Purchase and Sale Agreements for properties as identified on Exhibit A.

4. Budget Impacts

This Resolution does not increase budget authority.

In the 2005-06 Adopted Budget, the Metro Council designated \$75,000 in the General Fund toward the purchase of options and to use as earnest money on properties that would be purchased upon passage of the 2006 Natural Areas Bond Measure.

As part of Resolution No. 06-3687 ("For the Purpose of Authorizing the Chief Operating Officer to Enter Into Options to Purchase Property Under the 1995 Open spaces Bond Measure and Proposed 2006 Natural Area bond Measure in Accord With the Open Spaces Implementation Work Plan and Providing Funding") Metro Council approved spending up to an additional \$100,000 for the purchase of options or as earnest money in preparation for the 2006 Natural Areas Bond Measure.

RECOMMENDED ACTION

Chief Operating Officer Michael Jordan recommends passage of Resolution No. 06-3708.

BEFORE THE METRO CONTRACT REVIEW BOARD

| | | |
|--------------------------------------|---|------------------------------------|
| FOR THE PURPOSE OF APPROVING A WORK |) | RESOLUTION NO. 06-3661 |
| PROGRAM FOR THE 2035 REGIONAL |) | |
| TRANSPORTATION PLAN UPDATE AND |) | Introduced by Councilor Rex |
| AUTHORIZING THE CHIEF OPERATING |) | Burkholder, Councilor Brian Newman |
| OFFICER TO AMEND CONTRACT NO. 926975 |) | and Councilor Rod Park |

WHEREAS, Metro initiated an update to the Regional Transportation Plan (RTP) with approval of Resolution 05-3610A for the Purpose of Issuing a Request for Proposals to Develop a Work Scope for an Expanded 2005-08 Regional Transportation Plan Update that Incorporates the “Budgeting for Outcomes” Approach to Establishing Regional Transportation Priorities on September 22, 2005; and

WHEREAS, the RTP is the federally recognized transportation policy for the metropolitan region and threshold for all federal transportation funding in the region that must be updated every four years; and

WHEREAS, the RTP fulfills statewide planning requirements to implement Goal 12 Transportation, as implemented through the Transportation Planning Rule, and must be updated every 5 to 7 years; and

WHEREAS, the RTP is a central tool for implementing the Region 2040 Growth Concept, and constitutes a policy component of the Regional Framework Plan; and

WHEREAS, it is Metro’s intent to integrate this update to the RTP with the New Look regional planning process and consolidate periodic updates to the RTP to meet applicable federal, state and regional planning purposes; and

WHEREAS, Metro was awarded a Transportation & Growth Management Grant for the 2005 – 2007 Biennium to prepare a regional plan for freight and goods movement and recommendations from this planning effort will be forwarded for consideration as part of the RTP update; and

WHEREAS, the most recent update to the RTP was completed in March 2004 and the next federal update must be completed by March 2008 to provide continued compliance with federal planning regulations and ensure continued funding eligibility of projects and programs using federal transportation funds; and

WHEREAS, the federal update requires the development of a “financially constrained” system of improvements that meet regional travel demand, yet are constrained to reasonably anticipated funding levels during the 20-year plan period; and

WHEREAS, the recently adopted RTP contains a large shortfall between the “financially constrained” and “preferred” systems of improvements such that implementation of all RTP projects would cost more than twice the anticipated funding; and

WHEREAS, the first phase of the update included a formal scoping period to build agreement on the overall approach for the RTP update and develop a work program to guide the process; and

WHEREAS, the Metro Council, the Joint Policy Advisory Committee on Transportation (JPACT), the Metro Policy Advisory Committee (MPAC), Metro Technical Advisory Committee (MTAC), Transportation Policy Advisory Committee (TPAC), the Regional Travel Options (RTO) Subcommittee of TPAC and the Bi-State Transportation Committee and other elected officials, city and county staff, and representatives from the business, environmental, and transportation organizations from the Portland-Vancouver metropolitan region discussed key issues to be addressed as part of this update; and

WHEREAS, Metro and the Consultant team prepared a draft work program that responds to key issues identified during the discussions that was released for review from May 10, 2006 through May 24, 2006; and

WHEREAS, the technical and policy development component of the work program seeks to create a streamlined plan that better advances regional policies, public priorities and local efforts to implement the 2040 Growth Concept given rapid population growth and significant fiscal constraints in the region; and

WHEREAS, the public participation plan component of the work program seeks to actively engage and consult with transportation system providers, public agencies, business groups, community organizations, advocacy groups, state and federal resource agencies and the general public (including traditionally under-represented groups) in plan development through the use of targeted, yet representational outreach techniques; and

WHEREAS, the Metro Committee for Citizen Involvement reviewed the public participation plan component of the work program on June 7, 2006; and

WHEREAS, a revised work program that responds to comments received from Metro Advisory Committees, Federal Highway Administration Division Office staff and Federal Transit Administration Regional Office staff is set forth in Exhibit A; and

WHEREAS, the Metro Council authorizes the Chief Operating Officer to have staff amend Metro Contract No. 926975, Amendment #2, for additional time, budget and scope for consulting services identified in Exhibit A, for the period from February 17, 2006 to June 30, 2007, not-to-exceed \$410,000; now, therefore;

BE IT RESOLVED:

1. The Metro Council approves the 2035 RTP Update work program, identified in Exhibit A, which Metro will use to create an updated RTP that responds to the New Look policy direction and prioritizes transportation investments to best meet desired outcomes within fiscal constraints.
2. The Metro Council authorizes the Chief Operating Officer to have staff amend Metro Contract No. 926975, Amendment #2, for additional time, budget and scope for consulting services identified in Exhibit A, for the period from February 17, 2006 to June 30, 2007, not-to-exceed \$410,000.

ADOPTED by the Metro Council this 15th day of June 2006.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney



METRO

2035 REGIONAL TRANSPORTATION PLAN UPDATE

WORK PROGRAM

BACKGROUND

Metro is starting the first significant update to the Portland metropolitan region's long-range transportation plan in six years.¹ This is the first major update to the Regional Transportation Plan (RTP) since 2000, which was the first truly multi-modal plan to fully embrace the policies and vision for 2040 Growth Concept. The RTP serves as the threshold for all federal transportation funding in the Portland metropolitan region. As the federally designated Metropolitan Planning Organization (MPO), Metro is responsible for coordinating the distribution of these funds through the RTP and Metropolitan Transportation Improvement Program (MTIP). The region is experiencing unprecedented growth and increasing competition for limited funds. The current plan includes projects that would cost more than twice the anticipated funding. This update will involve a new approach to address these realities – an approach that uses desired outcomes to define, evaluate and prioritize the most critical transportation investments in the region and integrates land use, economic, environmental and transportation objectives in the context of the New Look.

This document is a work program for an update to the Regional Transportation Plan (RTP). It has two parts:

- The Technical Analysis Plan (TAP) addresses the *technical and policy development* components that will support the creation, evaluation, and adoption of a new 2035 Regional Transportation Plan (RTP).
- The Public Participation Plan (PPP) addresses *stakeholder engagement and outreach* components that will inform development, evaluation and adoption of an updated 2035 RTP.

Prepared by Metro staff and the ECONorthwest team², the work program and public participation plan integrates with the overall New Look planning process, coordinates with development of a *Regional Plan for Freight and Goods Movement* and *Regional Transportation System Management and Operations Plan*, and responds to key technical, policy and process issues identified by the Metro Council and the Joint Policy Advisory Committee on Transportation (JPACT) in March and by Regional Transportation Forum participants on April 20 as part of the Scoping Phase.³

¹ There were minor updates in 2002 and 2003-04, designed to keep the RTP in compliance with state regulations and federal changes to transportation laws.

² ECONorthwest (ECO), Moore Iacofano Goltsman, Inc. (MIG), Kittelson and Associates (KAI), Siegel Consulting, and Moore Information.

³ Readers wanting additional background information can go to <http://metro-region.org/rtp> (click on *2035 RTP Update* to go to

This document has four sections:

- **Overview of the RTP** provides context for the RTP update, summarizing Metro's role in transportation planning and the decision-making framework that guides these activities, and the specific issues and objectives to be addressed as part of the 2035 RTP update.
- **Technical Analysis Plan** describes the major technical and policy development tasks to be completed during the 2035 RTP update. The tasks are organized by project phase.
- **Public Participation Plan** describes the stakeholder engagement and outreach components that will inform development of an updated 2035 RTP plan and support the decision-making role of the Metro Council, Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Policy Advisory Committee (MPAC) and the participatory role of public agencies, other identified stakeholder groups and the general public.
- **Appendices** provide more detailed descriptions of elements referenced in the Overview section.

The work program and was reviewed and refined by Metro's Advisory Committees prior to Metro Council approval.

1.0 OVERVIEW OF THE RTP

WHAT IS A REGIONAL TRANSPORTATION PLAN?

Metropolitan areas with populations over 50,000 people are required by federal law to have a Metropolitan Planning Organization (MPO), and those organizations are required to prepare regional transportation plans that describe, among other things, how federal and state funds for transportation projects and programs will be spent. An MPO must create an RTP that identifies the transportation investments it will make with those funds for at least a 20-year planning period. The plan must be updated at least every four years.

The RTP is the threshold for all federal transportation funding in the region. Federal rules require the RTP to be financially constrained—that the estimated costs of the identified projects not exceed an estimate of revenues that are “reasonably anticipated to be available” for the plan period. A transportation project is eligible for federal transportation funds distributed through Metro if it is included in the financially constrained system and is consistent with federal air quality standards. Though there are many requirements (federal and state) and planning standards that affect the content of an RTP, it is fundamentally about making good choices about transportation investments that support the 2040 Growth Concept in the face of competition for limited funds.

WHAT IS METRO'S ROLE IN TRANSPORTATION PLANNING

Metro is the regional government responsible for regional land use and transportation planning under state law and the federally designated metropolitan planning organization (MPO) for the Portland metropolitan area. Metro's transportation planning activities are guided by a decision-making framework that consults and coordinates the perspectives of federal, state, regional and local government agencies, citizens and interest groups as part of the process.

the project web page).

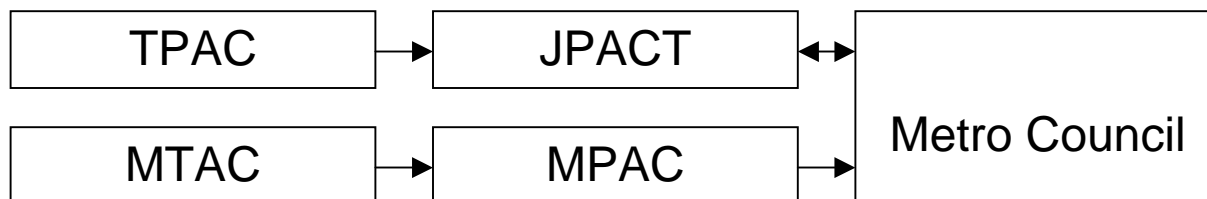
Metro's targeted stakeholders and planning partners include the 25 cities, three counties and affected special districts of the region, Oregon Department of Transportation (ODOT), Oregon Department of Environmental Quality, Port of Portland, SMART, TriMet and other interested community, business and advocacy groups as well as state and federal regulatory officials. Metro also coordinates with the City of Vancouver, Clark County Washington, the Port of Vancouver, the Southwest Washington Regional Transportation Council (RTC), C-Tran, the Washington Department of Transportation, the Southwest Washington Air Pollution Control Authority and other Clark County governments on bi-state issues. This broad spectrum of stakeholders is the primary focus of the public participation plan.

REGIONAL CONSULTATION, COORDINATION AND DECISION-MAKING STRUCTURE

Metro facilitates this consultation, coordination and decision-making through four advisory committee bodies –the Joint Policy Advisory Committee on Transportation (JPACT), the Metro Policy Advisory Committee (MPAC), the Transportation Policy Alternatives Committee (TPAC) and the Metro Technical Advisory Committee (MTAC). In addition, the Metro Committee for Citizen Involvement (MCCI) provides advice to the Metro Council on how to best engage residents in regional planning activities. **Figure 1** displays the regional transportation decision-making process.

Figure 1.

Regional Transportation Decision-Making Process



Source: Metro

The 2035 RTP updating process will rely on this existing decision-making structure for development, review and adoption of the plan. MPAC, JPACT and the Metro Council will make recommendations at key decision points based on input from TPAC, MTAC, the Council-appointed Regional Freight Plan Task Force and the public participation process. SAFETEA-LU provisions also require additional consultation with state and federal resource agencies, and tribal groups not represented on Metro's existing committee structure. Opportunities for consultation with these groups will be identified in coordination with FHWA staff.

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. Under state law, the RTP serves as the region's transportation system plan. As a result, the Metro Policy Advisory Committee (MPAC) also has a role in approving the regional transportation plan as a land use action, consistent with statewide planning goals and the Metro Charter.

The work program has been designed to build consensus on the 2035 RTP throughout the process. In the event that differences occur between MPAC and JPACT, joint MPAC/JPACT meetings will be held to discuss and reconcile differences on these and other critical policy issues. Opportunities to hold joint TPAC/MTAC workshops will also be identified throughout the process.

Finally, the *Regional Freight and Goods Movement Plan* element of the RTP update will also be guided by a Council-appointed 33-member Task Force and a Technical Advisory Committee (TAC).⁴ Recommendations from the Regional Freight TAC will be forwarded to the Regional Freight and Goods Movement Plan Task Force. The Task Force will make its recommendations to TPAC, JPACT and the Metro Council. The recommendations will be forwarded to the 2035 Regional Transportation Plan process for adoption into the region's long-range transportation system plan.

The roles and responsibilities and membership for each advisory committee is described in detail in **Appendix A**. Opportunities for additional stakeholder involvement will be provided as described in the public participation plan in **Section 3.0**.

FEDERAL, STATE AND REGIONAL CONTEXT

This planning effort will be conducted within the context of guiding federal, state, and regional transportation and land use policy and requirements. In addition, Metro is concurrently updating the region's long-range growth management plan, supporting transportation plan (the RTP), and implementation tools in its *New Look* planning effort. By working within the umbrella of the New Look, the RTP update will take into consideration how regional transportation investments affect land use, the economy and environmental quality. To understand how the RTP update fits in the context of the broader *New Look Regional Planning Process*, readers should refer to **Appendix A**.

Metro also will undertake a planning effort, in coordination with the update of the Regional Transportation Plan (RTP), which focuses specifically on the region's freight transportation system. To accomplish this work, Metro sought and was awarded a 2005-2007 Biennium Transportation & Growth Management Grant to prepare a regional plan for freight and goods movement.

Finally, Metro will undertake a planning effort, in coordination with the update of the Regional Transportation Plan (RTP), which focuses specifically on development of a Regional Transportation System Management and Operations Plan. Metro received a Federal Highway Administration grant to support this work.

KEY ISSUES TO ADDRESS

The region has aggressively implemented state policy calling for reduced reliance on any single mode of transportation. In practice, this has meant complementing the region's roads and highways with a comprehensive public transit network; taking seriously the needs of pedestrians and bicyclists in addition to cars; and integrating land use and transportation planning by promoting compact urban form and

⁴ The Regional Freight and Goods Movement Task Force will be comprised of 33 members from the community, private and public sectors, representing the many elements of the multimodal freight transportation system and community perspectives on freight. The Freight Technical Advisory Committee (TAC) will be comprised of public sector staff from the local, regional, and state agencies operating within Metro's jurisdictional boundaries. The TAC will provide input and review of technical work products.

mixed-use development. Providing for the region's current and future transportation needs will be made more difficult by three key challenges, all of which have important implications for the region's ability to achieve its economic and community goals.

- **Growth:** As the region expands to accommodate the one million new residents that are expected to be living here by 2030, major new transportation investments will be required to serve both developed and developing areas.
- **Congestion and impacts to the region's economy and quality of life:** A 2005 study found that the region's excellent rail, marine, highway, and air connections to national and international destinations position it as both a hub for the distribution of goods across the country and a gateway for global trade. These connections make the region's economy highly dependent on transportation. However, projected growth in freight and general traffic cannot be accommodated on the current system. Increasing congestion — even with currently planned investments — will harm the region's ability to maintain and grow business.
- **Funding:** State and local funding for roads and transit is failing to keep pace with current needs, to say nothing of the growth expected in the coming decades. Funding has been identified for less than half the \$10 billion cost of the projects in the current Regional Transportation Plan. Furthermore, these capital expenditures compete against critical needs for operations and maintenance of the existing transportation system.

To address these challenges, the traditional process the region uses to identify, evaluate and prioritize transportation improvements has been modified to use an outcomes-based planning approach, integrating land use, economic, environmental and transportation objectives in the context of the New Look. This focus on outcomes is described in more detail in **Appendix A**.

PROJECT GOALS

The following project goals will guide the overall approach for development of the 2035 Regional Transportation Plan.

- (1) Develop an updated 2035 RTP by November 2007 that complies with state and federal regulations and implements New Look policy direction.
- (2) Create an outcomes-based plan that better advances regional policies, public priorities and local efforts to implement the 2040 Growth Concept given the rapid population growth and dwindling financial resources in the region.
- (3) Actively engage and consult with transportation system providers, public agencies, business groups, community organizations, advocacy groups, state and federal resource agencies, and the general public (including traditionally under-represented groups) in plan development through the use of targeted, outreach techniques.

PROJECT OBJECTIVES

The following project objectives direct the development of the 2035 Regional Transportation Plan. The project will:

- ✓ Improve community awareness and understanding of regional transportation system needs and funding issues.
- ✓ Develop a set of desired outcomes that reflect public priorities for managing and improving the regional transportation system.
- ✓ Develop an outcomes-based evaluation approach and performance measures to assess 2040 implementation, regional transportation needs and deficiencies, and measure and prioritize transportation projects.
- ✓ Analyze current fiscal realities, transportation funding trends and transportation funding options to inform development of an updated *financially constrained* revenue forecast.
- ✓ Identify issues, needs and deficiencies in the regional transportation system and develop recommended solutions and strategies to address them in support of the Region 2040 Growth Concept.
- ✓ Assess and refine current regional transportation policies to implement public priorities and the New Look policy direction.
- ✓ Reconsider projects in the current RTP based on revenue availability, public priorities and New Look policy direction.
- ✓ Prioritize infrastructure, system management and demand management projects and programs for all travel modes to meet the desired outcomes and implement the New Look policy direction.
- ✓ Assess and refine current implementation strategies, including performance measures and corridor refinement studies, to implement public priorities and the New Look policy direction to achieve desired outcomes.
- ✓ Integrate with planning efforts to update the Region 2040 Growth Concept implementation tools (*New Look*) and develop the *Regional Freight and Goods Movement Plan* and the *Metro-Region Plan for Transportation System Management and Operations* (TSMO).
- ✓ Comply with Oregon's Statewide Planning Goals and the Federal SAFETEA-LU provisions.

2.0 TECHNICAL ANALYSIS PLAN

The following section summarizes major technical and policy development tasks to be completed by Metro staff and the consultant team during the 2035 RTP update. The tasks are organized by project phase. The activities described in this section will be integrated with the public participation plan described in **Section 3.0**. A major milestone chart in **Appendix B** graphically displays the overall timeline, key decision points, tasks, products and outreach strategies of each phase.

PHASE 1: SCOPING (FEBRUARY – JUNE 2006)

Objective: Develop a work program for technical work and policy development and public participation plan with the Metro Council, JPACT and other key stakeholders that supports development of an updated Regional Transportation Plan by November 2007, incorporates a planning approach based on outcomes for prioritizing transportation investments and meets regional, state and federal planning requirements.

This phase develops a detailed scope of work that will guide the technical work and policy development and public participation plan through the subsequent phases of the 2035 RTP update. It ends when the Metro Council reviews and approves the overall work program in June 2006.

PHASE 2: 2040 RESEARCH AND POLICY DEVELOPMENT TASKS (JUNE – DEC. 2006)

Objectives: Identify the existing regional transportation issues, needs and deficiencies and assess 2040 implementation. Investigate financial, transportation, land use, and economic/demographic trends that influence regional development and the performance of the regional transportation system. Identify public priorities for transportation and willingness to pay for desired transportation services and programs.

Task 1: Data Review and Collection (June - July 2006)

Objectives: Identify available financial forecast data, transportation modeling, economic/demographic data, environmental data, and corridor-level transportation system data. Collect and organize the data necessary to support the RTP update technical and financial analysis. Establish the common transportation network and base travel demand forecast to be used to compare the 2035 Base Case, to New Look policy alternatives and the discussion draft Regional Transportation Plan.

Responsibility: Metro will lead this task with participation from TPAC to review 2035 Base Case transportation network.

Task 2: Develop Outcomes-Based Evaluation Framework (June – Sept. 2006)

Objective: Develop an outcomes-based evaluation approach and identify criteria/performance measures in the context of the New Look process to assess the state of transportation in the region, regional transportation needs and deficiencies, and measure, prioritize and select regional transportation projects and programs.

Sub-task 2.1: Develop Outcomes-Based Evaluation Framework. Contractor will work with Metro staff to define a framework to identify and evaluate a set of desired outcomes that will guide recommendations for policy, infrastructure and system management projects, and implementation strategies pertaining to the regional transportation system. Contractor will work with Metro staff to identify a small (5 – 6) number of categories of outcomes.

Responsibility: Contractor will lead this task with assistance from Metro and input from Advisory Committees and the Metro Council.

Sub-task 2.2: Define Regional Transportation System. Determine what constitutes the regional transportation system to be evaluated by the outcomes-based framework.

Responsibility: Metro will lead this task with and participation by TPAC, JPACT and the Metro Council.

Sub-task 2.3: Develop Outcomes-Based Performance Measures. Contractor will work with Metro staff to identify a set of performance measures for each of the categories of outcomes. The measures will be used to help assess transportation system conditions and land use/transportation scenarios in Phase 2, prioritize transportation projects and program in Phase 3 and periodically monitor successful implementation of the RTP over time. The measures will include transportation performance measures and other measures to address impacts to the built and natural environment, and to other aspects of quality of life as appropriate. Measures could include: travel performance (e.g., vehicle miles traveled and travel time), safety (e.g., reduction in bike and pedestrian fatality/severe injury rate, miles of bike and pedestrian facilities), congestion management (e.g., percentage decrease in delay), equity/public amenities (e.g., households and jobs within ¼-mile of high quality transit), and environmental impact (e.g., acres of impervious surface and number of stream crossings).

Responsibility: Contractor will lead this task with assistance from Metro, participation by the Metro Council, JPACT and MPAC, and input from Advisory Committees.

Sub-task 2.4: Prepare documentation. Contractor will prepare an Outcomes-Based Evaluation Framework Technical Memorandum, documenting these tasks. Metro will provide review and comment on draft Outcomes-Based Evaluation Framework Technical Memorandum.

Responsibility: Contractor will lead this task with assistance from Metro. MPAC, JPACT and the Metro Council will approve the outcomes-based evaluation performance measures with input from Advisory Committees.

Task 3: Identify Public Priorities and Desired Outcomes for Transportation (June – Dec. 2006)

Objectives: Identify public priorities for transportation and the public's willingness to pay for desired levels of transportation services and programs. Establish a set of desired outcomes that reflect public priorities for managing and improving the regional transportation system that will guide the development of policy, projects, programs and implementation strategies.

Sub-task 3.1: Identify Desired Outcomes for Transportation. Identifying public priorities and desired outcomes for transportation occurs as part of the public participation element of this scope of work described in Section 3. This task is mainly one of coordinating the technical work of Task 2, above, with the stakeholder and public outreach that is described in the Public Participation Plan (Section 3).

Responsibility: Contractor will lead this task with assistance from Metro and input from Advisory Committees and other stakeholders as identified in the Public Participation Plan.

Sub-task 3.2: Prepare documentation. Contractor will prepare a Public Priorities Report, executive summary, fact sheet, and Powerpoint presentation documenting the results of this task. Metro shall provide review and comment on draft Public Priorities Report and draft fact sheet.

Responsibility: Contractor will lead this task with input from Metro, MPAC, JPACT and the Metro Council will approve the set of desired outcomes with input from Advisory Committees.

Task 4: Financial Analysis (June – Oct. 2006)

Objectives: Investigate current fiscal realities and transportation funding trends; determine the reasonably anticipated local, regional, state and federal financial resources that would result from current funding trends; identify potential new revenue sources; and estimate the funding available for capital projects after necessary operation and maintenance costs and implications for the regional transportation system that result. Evaluate funding scenarios to address funding shortfall. Identify priorities for use of existing resources and for the use of potential resources. Develop a 2007-2035 revenue forecast for the 2035 Regional Transportation Plan that meets federal requirements.

Sub-task 4.1: Prepare methodology report. Review current financial cost and revenue data available from transportation agencies in region. Prepare methodology report for estimating and forecasting transportation costs and revenues in the Metro region that meets all the requirements and recommendations in the “Interim FHWA/FTA Guidance on Fiscal Constraint for STIPs, TIPs, and Metro Plans” released 6/27/05.

Responsibility: Contractor will lead this task with participation from ODOT, TriMet and SMART and local transportation agencies. Metro will coordinate compilation of available financial forecast data and review draft methodology report.

Sub-task 4.2: Analyze transportation funding trends. Investigate transportation funding trends, estimate current and future funding operations and maintenance shortfall for roads and transit and estimate “reasonably anticipated to be available” transportation revenues for the period from 2007 through 2035. Prepare technical memorandum documenting the following:

1. Estimate current road operations and maintenance costs and cost trends/issues for:
 - ODOT facilities in Metro region
 - Local transportation agencies in Metro area by regional and local facilities
2. Estimate current transit operations and maintenance costs and cost trends/issues for transit agencies in the Metro region considering:
 - current operating level of service
 - current maintenance costs
3. Forecast future road operations and maintenance costs
 - Forecast maintenance costs for ODOT and local transportation agencies through 2035
 - maintain current pavement conditions
 - improve pavement conditions to policy objective level (90% fair or better)
 - other maintenance measurements such as bridge, structures, culverts, etc.
 - define method for adding maintenance costs of planned system improvements once defined
4. Forecast future transit Operations and Maintenance Costs
 - Forecast operations costs per vehicle hour of service for transit agencies in Metro area for the period from 2007 through 2035

- Forecast maintenance costs of transit system in Metro area for the period from 2007 through 2035 and method for adding maintenance costs of planned system once defined
5. Estimate Transportation Revenues
- Summarize Metro area state and federal transportation revenues from State forecast for the period from 2007 through 2035
 - Determine current Metro area local transit agency revenues and forecast for the period from 2007 through 2035
 - Determine current Metro area local transportation revenues and forecast for the period from 2007 through 2035

Responsibility: Contractor will lead this task with input from Metro, and participation from ODOT, TriMet and SMART and local transportation agencies.

Sub-task 4.3: Financial scenario development and evaluation. Determine revenues available for capital improvements based on different levels of investment in the maintenance and operations of the road and transit systems. Transit system operation costs/revenues will be an iterative methodology utilizing the regional travel demand model. Develop and analyze up to four (4) funding scenarios to address the funding gap. This analysis should link raising revenue options with Budgeting for outcomes principles. Examples of the types of funding scenarios that could be examined include: tolls for state freeways, state gas taxes for state freeways, regional ballot measure for state freeways, state gas taxes for local maintenance, street utility fees for local maintenance, state gas taxes distributed on a formula basis for city/county arterials and collectors and system development charges for all expansion of arterial and collectors to meet population growth projections. Prepare technical memorandum that documents this sub-task.

Responsibility: Contractor will lead this task with input from Metro and participation from TPAC, JPACT and the Metro Council.

Sub-task 4.4: Define "Reasonably Available" future revenue sources. Identify new revenue sources forecast as available in the State revenue forecast. Identify expected new local revenue sources. Identify public-private partnerships forecast anticipated to be available (such as Oregon Innovative Public-Private Partnerships). Define actions necessary to implement these new revenue sources and document steps taken to date to address the necessary actions. Distinguish reasonably available funds from those not yet defined as reasonable available that may be identified in a strategy to finance "illustrative projects." Prepare technical memorandum that documents this sub-task.

Responsibility: Contractor will lead this task with input from Metro and participation from TPAC, JPACT and the Metro Council.

Sub-task 4.5: Financial Analysis and Revenue Forecast Report. The Contractor will compile all technical memoranda, with supporting graphics and data, to create a final report and appendices that document a 20-year revenue forecast for the 2035 Regional Transportation Plan and identifies priorities for use of existing resources and for the use of potential resources. The report shall document all cost estimation methodologies, forecast assumptions and scenarios utilized in the forecast and provide a complete assessment of the financial outlook of the transportation system in the region with assurances and/or disclaimers, in the opinion of the consultant, as to the accuracy of data collected and confidence in forecasted numbers provided. The Contractor will prepare an executive summary and Powerpoint presentation to highlight the forecasts by scenario, referencing any pertinent information in the main report. Metro will review draft final report and prepare a 2-4 page fact sheet summarizing the results of this analysis.

Responsibility: Contractor will lead this task with input and assistance from Metro. JPACT and the Metro Council will approve the financially constrained revenue forecast with input from Advisory Committees.

Task 5: Land Use/Transportation Scenario Analysis (July - October 2006)

Sub-task 5.1: Develop Land Use/Transportation Scenario Analysis Framework. Contractor will work with Metro staff to define a framework to identify and evaluate a set of land use and transportation scenarios that will inform recommendations for policy, infrastructure and system management projects, and implementation strategies pertaining to the regional transportation system and the broader New Look context future growth vision and implementation strategies.

Responsibility: Metro will lead this task with assistance from Contractor, participation from the Metro Council and input from Advisory Committees and other stakeholders identified in the public participation plan.

Sub-task 5.2: Land Use/Transportation Scenario Analysis. Metro staff will identify and evaluate a set of land use and transportation scenarios using the outcomes-based framework defined in Task 2 that will inform recommendations for policy, infrastructure and system management projects, and implementation strategies pertaining to the regional transportation system and the broader New Look future growth vision and implementation strategies.

Responsibility: Metro will lead this task with assistance from Contractor, participation from the Metro Council and input from Advisory Committees and other stakeholders identified in the public participation plan.

Task 6: 2035 Base Case Travel Forecasting Analysis (June – Aug. 2006)

Objective: Identify the year 2035 regional transportation needs and deficiencies based on travel demand forecasts that represent relevant adopted plans, population/employment forecast based on current state law for urban growth boundary expansions and current Financially constrained system of projects in the region. This work will be coordinated with the Investing in Communities and Shape of the Region elements of the New Look.

Sub-task 6.1: Travel Demand Forecasting. Metro will prepare and conduct travel demand forecasting of the 2005 Base Year and 2035 Base Case travel forecast. The 2035 Base Case forecast is based on current state law for urban growth boundary expansions and current financially constrained system of projects in the region.

Responsibility: Metro will lead this task with review of 2035 Base Case network by TPAC.

Sub-task 6.2: Base Case Transportation System Analysis. Metro will analyze the travel demand forecasting results of the 2005 Base Year and 2035 RTP forecast using the evaluation approach defined in Phase 2 if available. The travel forecasting analysis will include: auto, truck and transit volumes; congestion levels, speed, and other information needed to assess the impacts of the RTP systems during the 2-hour AM and 2-hour PM peak periods, and the 1-hour mid-day.

Responsibility: Metro will lead this task with participation from TPAC and assistance from Contractor with analysis of travel outputs. TriMet will assist with analysis of transit network outputs.

Sub-task 6.3: Base Case Transportation System Analysis Documentation. Metro will prepare a Base Case Transportation System Analysis report, fact sheet summarizing analysis and Powerpoint presentation, documenting these tasks. The final report will document model assumptions and analysis results.

Responsibility: Metro will lead this task with participation from TPAC.

Task 7: Economic/Demographic Analysis (June – Sept. 2006)

Objective: Investigate regional economic and demographic trends, including population and household growth, travel characteristics, employment trends (by industry and occupation), labor force characteristics and other key economic indicators that influence regional growth and development and impact the regional transportation system. This work will be coordinated with the Investing in Communities and Shape of the Region elements of the New Look, and be reviewed by the Council of Economic Advisors. The following information and products will be created by Metro as part of this task:

Sub-task 7.1: Forecast Growth Analysis. Metro will analyze forecasted growth from Year 2005 to 2035 in the 4-county Metro region and prepare a memo and fact sheet with charts and graphics summarizing data and key findings on implications for transportation.

Responsibility: Metro will lead this task.

Sub-task 7.2: Growth in Household and Population Analysis. Metro will analyze household and population growth from Year 1990 to 2000 for the 4-county Metro region and Metro urban growth boundary using U.S. census data. More recent will be used if available. Metro will prepare a memo and fact sheet with charts and graphics summarizing data, including 2000 population spatial distribution, and key findings on implications for transportation.

Responsibility: Metro will lead this task.

Sub-task 7.3: Growth in Jobs and the Economy Analysis. Metro will analyze employment growth by different sectors from Year 1990 to 2000 for the 4-county Metro region and Metro urban growth boundary using U.S. Census data. More recent will be used if available. Metro will prepare a memo and fact sheet with charts and graphics summarizing data, including 2000 employment spatial distribution, and key findings on implications for transportation.

Responsibility: Metro will lead this task.

Sub-task 7.4: Growth in Neighbor Cities Analysis. Metro will analyze household, population and employment growth from Year 1990 to 2000 for neighbor cities using U.S. census data. More recent will be used if available. Metro will prepare a memo and fact sheet with charts and graphics, summarizing data and key findings on implications for transportation.

Responsibility: Metro will lead this task.

Sub-task 7.5: Regional Travel Characteristics Analysis. Metro will analyze regional travel characteristics from Year 1990 to 2000 for the 4-county region using U.S. census data and other sources (including more recent data) when available. Metro will prepare a memo with charts and graphics summarizing data, and key findings on implications for transportation. Examples of data to be analyzed include:

- Work and non-work trips by mode
- Commute patterns and percent of all trips
- Non-work trip patterns and percent of all trips

- Typical trip purposes for the daily trips made by an average household
- Average commute distance
- Average commute time
- Daily vehicle miles traveled per capita
- Daily trips per household

Responsibility: Metro will lead this task.

Sub-task 7.6: Regional Environmental Justice Analysis. Metro will analyze environmental justice communities as defined by 2000 Census block groups containing a concentration of minority populations (African-American, Hispanic or Asian) and/or containing a concentration of households below the poverty line for the 3-county region using U.S. census data and other data sources (including more recent data) when available. Metro will prepare a memo and fact sheet with charts and graphics, summarizing data and key findings on implications for transportation, both in terms of serving these populations and engaging them when affected by transportation planning and/or investments.

Responsibility: Metro will lead this task.

Task 8: Environmental Analysis (June - July 2006)

Objective: Identify existing natural, historic and cultural resources using existing available data to support system level technical analysis of environmental trends and issues as they relate to the regional transportation system and identification of environmental mitigation strategies during Phase 3. The data collection will be conducted as part of the Shape of the Region element of the New Look. Examples of the types of data being collected include:

- Metro Goal 5 inventory
- Wetlands as documented on the National Wetland Inventory
- Inventory of ESA species on record (no primary research is included in inventory)
- EFU/Forest land as designated by local zoning
- Scenic/Historic/Backcountry Roads, Byways, and Trails as designated by the FHWA, US Department of the Interior and ODOT
- Floodplain locations as determined by the FEMA
- Superfund sites as determined by the US EPA
- Historic properties and districts listed on the National Register of Historic Places
- Existing Federal (US BLM, US Army Corps of Engineers, US Forest Service, US Bureau of Reclamation, US Fish and Wildlife Service) and State owned/managed recreation facilities, National Wildlife Refuges, Recreation Areas and Forests
- Existing City, County, Regional and State public parks, trails and recreational facilities
- Metro wildlife hotspots incident locations
- Metro inventory of culverts that block fish passage

- State Historic Preservation Office likely archeologically-sensitive areas
- Oregon Department of Fish and Wildlife conservation opportunity area maps
- Oregon Department of Fish and Wildlife, National Marine Fisheries and U.S. Fish and Wildlife sensitive species lists
- Maps of previous Oregon Department of Transportation mitigation sites
- Division of State Lands existing mitigation banks and service areas
- Potential Oregon Department of Transportation mitigation banks and service areas
- Water quality limited bodies as defined by Oregon Department of Environmental Quality
- National Marine Fisheries and U.S. Fish and Wildlife recovery and conservation plans

Responsibility: Metro will lead this task.

Task 9: Transportation System Conditions Analysis (June – Oct. 2006)

Objective: Identify the existing regional transportation issues, needs and implications for regional growth trends and effective multimodal people and goods movement in the Portland metropolitan region. This work will be coordinated with the Investing in Communities and Shape of the Region elements of the New Look, the Regional Freight and Goods Movement Plan and Regional Transportation System Management and Operations Plan work program activities.

Sub-task 9.1: Roadways System Conditions Analysis. Metro will develop a comprehensive base of information on the characteristics of the region's multi-modal roadway system using existing data sources available from ODOT, Portland State University Center for Transportation Studies and local transportation agencies. The following activities will be completed as part of this task:

- Review the existing regional roadway functional classifications to identify gaps and/or inconsistencies on the regional network.
- Develop inventory of miles of roadways (interstate, arterials and collectors), pavement condition, bridge locations and existing average daily traffic count data for key highways/arterials in the region.
- Document current transportation system management and operations efforts in the region and their effects.
- Conduct Congestion Management Process (CMP) analysis to identify congestion hot spots and average travel speeds for the CMP network as defined in the 2006-07 Unified Planning Work Program and implications for people and goods movement.
- Conduct a roadway safety analysis, including the identification of the top 20 crash locations by County.
- Prepare memo and graphics documenting roadway system conditions analysis.

Responsibility: Metro will lead this task with participation by local transportation agencies and the TRANSPORT subcommittee.

Sub-task 9.2: Regional Freight System Conditions Analysis. Metro will develop a comprehensive base of information on the characteristics of the region's multimodal freight system including industry trends, shipper logistics stories, freight system profiles, and freight traffic generator characteristics.⁵ The Freight System Profiles are a series of profiles for each of the key elements of the regional freight system that document their physical, operational, and market characteristics, including trucks, air cargo, marine cargo, freight rail and gas lines/pipe lines. Metro will prepare memo, fact sheet and graphics documenting freight system conditions analysis.

Responsibility: Metro will lead this task with participation by the Regional Goods Movement TAC and Task Force.

Sub-task 9.3: Regional Transit System Conditions Analysis. Metro will develop a comprehensive base of information on the characteristics of the region's multimodal transit system using existing data sources from TriMet and SMART. The following activities will be completed as part of this task:

- Inventory of existing routes and facilities (e.g., intercity bus service, intercity passenger rail service, transit centers, major transit stops, park-and-ride lots), transit ridership and revenue hours, park-and-ride lot usage and other capital elements (shelters, transit tracker, low-floor stops).
- Document current transportation system management and operations efforts in the region and their effects.
- Conduct safety analysis using existing data sources and document security efforts of each transit service provider.
- Prepare memo, fact sheet and graphics documenting transit system conditions analysis.

Responsibility: Metro will lead this task with participation by TriMet and SMART.

Sub-task 9.4: Regional Bicycle and Pedestrian System Conditions Analysis. Metro will develop a comprehensive base of information on the characteristics of the region's bike and pedestrian system using the existing pedestrian system inventory and Metro Bike There Map data. This will not include a detailed review of sidewalk or bike facility conditions. The following activities will be completed as part of this task:

- Identify corridor-level pedestrian and bicycle deficiencies and missing links to key generators and destinations, including the regional trail system and the regional transit system.
- Conduct bike and pedestrian safety analysis.
- Prepare memo, fact sheet and graphics documenting bike and pedestrian system conditions analysis.

Responsibility: Metro will lead this task with participation by local transportation agencies, TriMet and SMART.

⁵ This task will be completed as part of the Regional Freight Plan work program activities and forwarded to the 2035 RTP update.

Sub-task 9.5: Regional Travel Options Program Analysis. Metro will develop a comprehensive base of information on the characteristics of the Regional Travel Options (RTO) Program. This work will be conducted as part of development of the RTO Annual Report and will include the following data and activities:

- Inventory Transportation Management Associations (TMAs) and evaluate performance
- Inventory and evaluate collaborative marketing efforts (includes TravelSmart, TriMet employer program, SMART TDM program and travel options marketing campaign)
- Inventory and evaluate Rideshare program (regional vanpool program and carpool matching)
- Other RTO program monitoring efforts and findings.
- Prepare memo, fact sheet and graphics documenting RTO program analysis.

Responsibility: Metro will lead this task with participation by the RTO Subcommittee.

Sub-task 9.5: Regional Security Analysis. Metro will document existing security strategies, programs, policies, activities, and actions currently in plan in the Portland metropolitan region in response to September 11, 2001. The following activities will be completed as part of this task:

- Document existing security plans, manuals, procedures and policies at state and regional level.
- Develop recommendations for short-term mid-term and long-term strategies to strengthen these efforts.
- Prepare memo, fact sheet and graphics documenting the security analysis.

Responsibility: Metro will lead this task with participation by the Regional Emergency Management Group and the region's transit agencies and Port districts.

Sub-task 9.6: Regional Elderly and Disabled Transportation Planning Analysis. Metro will document recommendations from the update of the Tri-County Elderly and Disabled Transportation Plan (EDTP) anticipated to be completed mid-2006. The planning effort is focused on assessing potential gaps in providing coordinated transportation services for elderly, disabled and low-income persons and updating new service standards for providing transportation services for the elderly and persons living with disabilities. Elements of the updated EDTP will be coordinated with and implemented through the 2035 Regional Transportation Plan. The following activities will be completed as part of this task:

- Document EDTP recommendations for the 2035 RTP and strategies to strengthen these efforts.
- Prepare memo, fact sheet and graphics documenting the results of the EDTP effort and relationship to the 2035 RTP.

Responsibility: Metro will lead this task with participation from TriMet and SMART.

Task 10: System Assessment (Sept. – Nov. 2006)

Objectives: Develop a comprehensive assessment of the regional transportation system issues, needs and deficiencies, and the affect of the transportation system on land use patterns and desired outcomes. Use assessment to improve community and stakeholder awareness and understanding of regional

transportation system needs and funding issues and to inform New Look policy direction, including prioritization of desired outcomes. The following activities will be completed as part of this task:

- Prepare final report, fact sheet, Powerpoint and graphics documenting results of the public opinion research and financial, base case, demographic and system conditions analysis and possible strategies to address system needs and funding issues.
- Publish report on the “State of Transportation in the Region.”

Responsibility: Metro will lead this task with input from Contractor and participation from Advisory Committees, JPACT and the Metro Council.

PHASE 3: SYSTEM DEVELOPMENT AND POLICY ANALYSIS (JAN. - SEPT. 2007)

Objective: Develop a financially constrained system of projects and programs that address transportation issues/needs, achieve desired outcomes for transportation and implement the New Look policy direction. Evaluate performance of the financially constrained transportation system and document findings. Prepare a discussion draft Regional Transportation Plan that identifies a set of consistent outcomes, policies, strategies and performance measures, implements the New Look policy vision and meets state and federal planning requirements.

Task 1: Policy Development (Jan. – March 2007)

Objectives: Review and recommend refinements to the regional transportation system policies (Chapter 1) that respond to desired outcomes and New Look policy direction for transportation priorities. Identify the policy issues that need to be addressed at the regional and the local (county & city) level and develop complementary policy recommendations.⁶

Responsibility: Metro will lead this task with participation from Advisory Committees.

Task 2: Outcomes-Based Transportation Solutions Identification and Prioritization (Feb. – April 2007)

Objectives: Conduct a process to solicit projects for consideration in RTP financially constrained system using evaluation and project solicitation approach defined in Phase 2. Identify and prioritize regional transportation system and program improvements using the updated policies and the desired outcomes as a guide.

Sub-task 2.1: Solicit Transportation Solutions. Metro will solicit infrastructure, demand management and system management projects and programs for consideration in RTP financially constrained system using evaluation and project solicitation approach defined in Phase 2. Agencies responding to that solicitation will be asked to provide information, to the extent practical, on the “outcome measurements” identified in Phase 2 and on planning-level project costs.

Responsibility: Metro will lead this task with participation from ODOT, local transportation agencies, TriMet and SMART and input from Advisory Committees and stakeholders as identified in the Public participation plan.

Sub-task 2.2: Create RTP Database. Metro will create a RTP project and program database that includes: transportation need to be addressed, outcome project will address, project description and location, travel forecasting assumptions (e.g., number of lanes, capacity, speed), right-of-way needs, cost estimates, potential funding source(s), recommended timing for implementation and other information.

Responsibility: Metro will lead this task with participation from ODOT, local transportation agencies, TriMet and SMART.

Sub-task 2.3: Prioritize Transportation Solutions. Metro will facilitate a process for JPACT and the Metro Council to prioritize infrastructure, demand management and system management projects and

⁶ The freight element of this task will be completed as part of the Regional Freight Plan work program activities and forwarded to the 2035 RTP update.

programs for consideration in RTP financially constrained system using evaluation and project solicitation approach defined in Phase 2 and New Look policy direction for transportation investments.

Responsibility: Metro will lead this task with assistance from Contractor. JPACT and the Metro Council will prioritize financially constrained projects based on input from Advisory Committees.

Sub-task 2.4: Prepare Transportation Priorities Documentation. Metro will prepare a Transportation Priorities Report to document these tasks.

Responsibility: Metro will lead this task.

Task 3: System Development and Analysis (May – Aug. 2007)

Objectives: Analyze performance of the 2035 RTP committed, financially constrained and illustrative systems using the evaluation approach defined in Phase 2 and New Look policy direction and recommended future growth vision (updated 2035 forecast). Refine RTP policies, projects, and performance measures as needed to respond to system performance and desired outcomes.

Sub-task 3.1: Travel Demand Forecasting. Metro will prepare and conduct travel demand forecasting of the RTP committed, financially constrained and illustrative systems using the evaluation approach defined in Phase 2 and updated 2035 forecast. The RTP systems will be developed into auto and transit networks for Metro's travel forecasting model. It is anticipated that full travel demand model runs will be prepared for each RTP system. Metro will provide travel projections for the planning year of 2035 for each system. The travel forecast analysis will include: auto, truck and transit volumes; congestion levels, speed, and other information needed to assess the impacts of the RTP systems during the 2-hour AM and 2-hour PM peak periods, and the 1-hour mid-day.

Responsibility: Metro will lead this task with participation from TPAC. TriMet and SMART will assist with development of transit networks.

Sub-task 3.2: Transportation System Analysis. Metro will analyze the travel demand forecasting results of the RTP committed, financially constrained and illustrative systems using the evaluation approach defined in Phase 2 and updated 2035 forecast. Metro will analyze the impacts of the RTP Financially Constrained System on the built, cultural and natural environment using Geographic Information System (GIS) data and other available environmental data identified in Phase 2 Task 8. The level of detail of the environmental analysis will be at a system-level to be determined in consultation with Federal Highway Administration and Federal Transit Administration staff to ensure adequate consideration of the National Environmental Policy Act (NEPA) in transportation system planning. The analysis will describe impacts to the built, cultural and natural environment, transportation performance and other results.

Responsibility: Metro will lead this task with participation from TPAC and assistance from Contractor with analysis of travel outputs. TriMet will assist with analysis of transit network outputs and documentation of system level capital, operations and maintenance costs.

Sub-task 3.3: Transportation System Analysis Documentation. Metro will prepare a Transportation System Analysis report, documenting these tasks and identifying recommended refinements to RTP policies, projects, programs, and performance measures as needed to respond to environmental impacts, system performance and desired outcomes.

Responsibility: Metro will lead this task with assistance from Contractor and participation from Advisory Committees.

Task 4: Implementation Strategies (*June – Aug. 2007*)

Objective: Review and recommend refinements to the RTP implementation strategies and requirements (Chapter 6) to address regional transportation system needs and issues, and respond to desired outcomes, New Look policy direction and updated regional transportation policies. Identify a set of performance measures (i.e., benchmarks) for the identified desired outcomes that can be applied to periodically monitor successful implementation of the RTP over time.

Examples:

- Congestion mitigation strategies
- Modal strategies
- Transportation system management and operations strategies
- Transportation demand management strategies
- Land use and economic development strategies
- Environmental and neighborhood impacts and mitigation strategies
- Financing strategies
- New urban area planning strategies
- Corridor planning strategies
- Benchmarks to monitor progress toward plan implementation

Sub-task 4.1: Update Implementation Strategies. Metro will update Chapter 6 of the RTP to reflect findings and recommendations from all previous tasks.

Responsibility: Metro will lead this task with input from Advisory Committees and the Metro Council.

Task 5: Develop Discussion Draft Regional Transportation Plan (*May – Aug. 2007*)

Objective: Prepare a discussion draft RTP for 45-day public review and comment based on information, findings and recommendations from all previous tasks.

Responsibility: Metro will lead this task with input from Advisory Committees. MPAC, JPACT and the Metro Council will release the discussion draft plan for a formal 45-day public comment period.

PHASE 4: ADOPTION PROCESS (SEPT. – NOV. 2007)

Objective: Provide an opportunity for interested parties to express ideas and concerns about the discussion draft plan policies, projects and implementation strategies. Provide detailed information about the 2035 RTP update, decision-making process, technical analysis and project timeline. Compile a public comment report that responds to all comments received prior to the final decision by JPACT and the Metro Council. Adopt 2035 RTP by November 2007.

Task 1: Solicit Comments on Discussion Draft 2035 RTP (*Sept. – Oct. 2007*)

Objective: Conduct a process for interested parties to express ideas and concerns about the discussion draft plan policies, projects and implementation strategies (including a draft regional investment strategy) as described in the Public Participation Plan.

Responsibility: Metro will lead this task with assistance from Contractor and input from Advisory Committees and other stakeholders as defined in the public participation plan. Metro will consult with the Collaborative Environmental and Transportation Agreement for Streamlining (CETAS) group as part of this task.

Task 2: Prepare Public Comment Report (Sept. – Oct. 2007)

Prepare a report documenting all public comments received for consideration prior to final decision by JPACT and the Metro Council.

Responsibility: Metro will lead this task with assistance from Contractor.

Task 3: Refine Discussion Draft 2035 RTP (Sept. – Oct. 2007)

Refine 2035 RTP based on public comments for consideration prior to final decision by JPACT and the Metro Council.

Responsibility: Metro will lead this task with input from Contractor and from Advisory Committees. MPAC, JPACT and the Metro Council will approve a final draft 2035 RTP that meets state and federal planning requirements, pending the air quality conformity analysis to be conducted in Phase 5.

PHASE 5: POST-ADOPTION FEDERAL AND STATE CONSULTATION (DEC. 2007. - MARCH 2008)

Objective: Complete air quality conformity determination to corroborate that the updated plan meets federal and state air quality requirements. Submit the updated plan to federal and state regulatory agencies for approval, prior to the current plan's expiration in March 2008.

Task 1: Conduct 2035 RTP Air Quality Conformity Determination Process (Dec. 2007 – March 2008)

Objectives: Analyze the air quality impacts of the 2035 RTP Financially Constrained System, document methodologies and findings in Air Quality Conformity Determination report and provide an opportunity for public comment prior to approval by JPACT and the Metro Council.

Sub-task 1.1: Air Quality Conformity Consultation. Consult with state and federal regulatory agencies to review conformity methodologies and procedures.

Responsibility: Metro will lead this task with participation from TPAC. Local transportation agencies will provide documentation of recently constructed or funded regionally significant projects to be included in the conformity analysis.

Sub-task 1.2: Air Quality Conformity Analysis. Analyze and document the air quality impacts of the 2035 RTP Financially Constrained System using the regional travel demand model following the methodologies agreed to in Subtask 1.1.

Responsibility: Metro will lead this task with participation from TPAC, JPACT and the Metro Council.

Sub-task 1.3: Solicit Comments on 2035 RTP Air Quality Conformity Determination. Conduct a process for interested parties to express ideas and concerns about the air quality conformity methodology and results.

Responsibility: Metro will lead this task with participation from Advisory Committees and other stakeholders as defined in the public participation plan.

Sub-task 1.4: Prepare Public Comment Report. Prepare a report documenting all public comments received for consideration prior to final decision by JPACT and the Metro Council.

Responsibility: Metro will lead this task.

Sub-task 1.5: Approve Final 2035 RTP and Air Quality Conformity Determination. Consider public comments prior to final decision by JPACT and the Metro Council.

Responsibility: Metro will lead this task with participation from TPAC, JPACT and the Metro Council.

Sub-task 1.6: Federal Findings Documentation. Develop and submit Federal Findings and Air Quality Conformity Determination to FHWA and FTA for review.

Responsibility: Metro will lead this task.

Sub-task 1.7: State Findings Documentation. Develop and submit State findings to the Department of Land Conservation and Development for Post-Acknowledgement review.

Responsibility: Metro will lead this task.

Task 2: Federal Classification Review (March - June 2008)

Objective: Identify and submit Federal Functional Classification Updates ⁷ and National Highway System Updates ⁸ to ODOT, FHWA and FTA for review.

Responsibility: Metro will lead this task with participation from TPAC and local transportation agencies in coordination with ODOT and FHWA. JPACT and the Metro Council will forward the recommended updates to ODOT, FHWA and FTA for approval.

3.0 PUBLIC PARTICIPATION PLAN

The Overview section (Section 1) described the decision-making structure that guides transportation planning activities and decision-making in the Portland metropolitan region. This section describes the *stakeholder engagement and outreach* components that will inform development of an updated 2035 RTP plan, and support the decision-making role of the Metro Council, JPACT and MPAC and the participatory role of public agencies, targeted stakeholder groups and the general public.

Metro's targeted stakeholders and planning partners include the 25 cities, three counties and affected special districts of the region, Oregon Department of Transportation (ODOT), Oregon Department of Environmental Quality, Port of Portland, SMART, TriMet and other interested community, business and advocacy groups as well as state and federal regulatory officials and resource agencies. Metro also coordinates with the City of Vancouver, Clark County Washington, the Port of Vancouver, the Southwest Washington Regional Transportation Council (RTC), C-Tran, the Washington Department of Transportation, the Southwest Washington Air Pollution Control Authority and other Clark County

⁷ The Federal Functional Classification Review will occur after the 2035 RTP update process is completed.

⁸ The National Highway System review will occur as part of the Regional Freight Plan work program activities.

governments on bi-state issues. This broad spectrum of stakeholders is the primary focus of the public participation plan.

A second priority for community outreach is the general public. The general public will be engaged and provided opportunities to give input throughout the planning process via the Metro website, publications, electronic newsletters, telephone hotline, public opinion survey, focus groups, Metro public meetings, public hearings, media outreach, community newspapers and The Oregonian. In addition, feedback will be solicited on specific plan elements during public comment periods, public hearings and as part of formal review processes. Opportunities to partner with local governments, business and community groups and use public access television to broaden awareness of and participation by the general public in the 2035 RTP update will be identified throughout the process.

A collaborative effort will be required between the consultant team, Metro Council, JPACT, and staff to ensure that the public participation plan is an effective tool for developing and creating a constructive, meaningful, and broad-based dialogue with the citizens and decision-makers of the Portland metropolitan region.

Successful outcomes of this ambitious RTP update process depend on the active participation of local, state and regional decision makers, other transportation providers, public agency staff, and other stakeholders that include the business community, community and environmental groups, and residents of the region. Generally, the outreach component will seek to inform, educate and gain input in a targeted fashion, recognizing the limited time and financial resources available. The public participation plan relies on educational opportunities and innovative tools and forums/workshops that provide for adequate and effective, though focused public dialogue. With targeted input from stakeholders and the broader community, Metro and its regional partners will update the RTP to prioritize critical transportation investments to best support the desired economic, environmental, land use and transportation outcomes the New Look identifies and, as a result, better implement the 2040 Growth Concept vision.

The public participation plan builds responds to two key directives from Metro Council: (1) the questions for the public and stakeholders are not about the broad vision for growth and development in the Portland metropolitan region (that vision is articulated in the 2040 Growth Concept, and has been supported several times in various ways by local governments and the general public); rather, the questions are about implementation (what can we do, especially, in the context of the RTP, with transportation investments, to better achieve the 2040 Growth Concept vision); and (2) focus on elected and appointed representatives of local governments and interest groups, not on extensive outreach to the general public (though opportunities for public education, engagement and comment will be provided in a targeted manner.

COMPONENT 1: STAKEHOLDER OUTREACH AND EDUCATION (JUNE -DEC. 2006)

The first component is intended to serve a two-fold purpose of public education and engagement, using six primary methods to engage key stakeholders and the public in focused input and discussions: regional forums, opinion survey, focus groups, stakeholder workshops, media outreach, publications, interested parties' mailing list, an outreach toolkit, and project website. This component is expected to begin in partnership with the June New Look forum and will conclude with the New Look forum scheduled for December.

Regional Forums

The regional forums will provide the setting for both sharing and collecting information. During these day-long interactive forums to be held in June and December, the project team and Metro staff and leadership can introduce New Look effort to the targeted stakeholders while beginning the process of

soliciting feedback and collecting input. The project team in partnership with Metro staff and leadership will develop the specific objectives and format of these forums.

| | |
|---------------------------------|--|
| <i>Consultant Deliverables:</i> | Workshop organization, outreach and educational materials design, workshop facilitation, summary report, and outreach video design. |
| <i>Metro Responsibilities:</i> | Materials production/printing, facility rental, food and beverage service, participant recruitment, speaker stipends, mailing costs. |
| <i>Number of Meetings:</i> | 2 planning meetings and 3 conference calls per forum. |
| <i>Link to RTP TAP:</i> | A June Forum marks the beginning of the effort to identify desired outcomes and policy tradeoffs to be analyzed during Phase 2, while a December Forum will mark the transition from the research and policy development phase to development of an updated RTP that implements the New Look policy direction. |
| <i>Links to Other Efforts:</i> | The Regional Forums are intended to directly link all New Look long-range planning efforts currently underway. The RTP (including the Regional Freight Plan), Shape of the Region, and Investing in Communities components will all be included in the forums and discussed in the context of the broader New Look effort. |
| <i>Timeframe:</i> | June 2006 and December 2006 |

Opinion Survey

The project team, working with Metro staff and leadership, will develop an opinion survey focused on soliciting a representative sample of opinion on desired outcomes for transportation, the public's willingness to pay for transportation priorities and transportation funding options. The project team and Metro staff and leadership will work in partnership to develop the goals and purpose of the survey. This opinion survey, implemented by Moore Research, Inc., will include instrument design, sample selection, administration, coding and data analysis, and reporting.

| | |
|---------------------------------|---|
| <i>Consultant Deliverables:</i> | Develop survey instrument (English and Spanish), conduct survey, survey analysis report. |
| <i>Metro Responsibilities:</i> | Materials production/printing, mailing costs. |
| <i>Number of Meetings:</i> | 1-2 Conference Calls. |
| <i>Link to RTP TAP:</i> | The opinion survey will be used to refine the desired outcomes, public priorities for transportation and willingness to pay for those priorities. |
| <i>Links to Other Efforts:</i> | Questions will be formulated to solicit feedback on regional transportation issues and their relationship to the New Look effort. |
| <i>Timeframe:</i> | September 2006 - December 2006 |

Focus Groups

The purpose of the focus groups is to involve participants in a highly interactive small group setting that allows for candid discussion and feedback on project-related issues and options, including desired outcomes for transportation and transportation needs, funding options and investment priorities. Each will involve a selected group of participants reflecting a variety of social, demographic, and economic characteristics (involving 10 to 15 participants). The project team will work with Metro staff and leadership to develop the purpose, goals, and agenda for each focus group.

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|---------------------------------|--|
| <i>Consultant Deliverables:</i> | Focus group design, outreach and educational materials design, focus group facilitation, summary report. |
| <i>Metro Responsibilities:</i> | Materials production/printing, facility rental, food and beverage service, participant recruitment, mailing costs. |
| <i>Number of Meetings:</i> | 2 planning meetings and 3-4 conference calls (combined focus group/targeted workshop meetings). |
| <i>Link to RTP TAP:</i> | A first round of focus groups will be conducted in September to December of 2006, serving to inform the desired outcomes and public priorities effort. After the December Regional Forum, another round of focus groups will be held from January to June of 2007 to prioritize transportation investments based on the desired outcomes, public priorities and fiscal constraints. The project team will work with Metro staff and leadership to determine the number of focus groups to be scheduled for each component. |
| <i>Links to Other Efforts:</i> | The focus groups will be structured to include time to solicit feedback on regional transportation issues and their relationship to the other New Look components. |
| <i>Timeframe:</i> | September 2006 - December 2006 |
| <i>Number of Focus Groups:</i> | 5 |

Stakeholder Workshops

Targeted workshops will allow the project team and Metro staff and leadership to reach groups that need more in-depth outreach efforts. These workshops will be held with specific groups and organizations with interests in transportation and its connection with a broad range of issues across the region, include a series of meetings held with traditionally underrepresented groups, in cooperation with community-based organizations (CBOs).

Groups and organizations targeted may include transportation and land use advocacy organizations (e.g., Bicycle Transportation Alliance, 1000 Friends of Oregon, Coalition for a Livable Future), immigrant and refugee advocates (e.g., Immigrant and Refugee Community Organization, Frente Commun), affordable housing advocates (e.g., Community Alliance of Tenants, Clackamas Community Land Trust), environmental organizations (e.g., Sierra Club, Natural Resources Council), business groups (e.g., chambers of commerce, the Portland Business Alliance, Westside Economic Alliance, Clackamas County Economic Alliance) The project team in cooperation with Metro staff and leadership should develop the list of partner CBOs and target groups for outreach as the process progresses.

| | |
|---------------------------------|--|
| <i>Consultant Deliverables:</i> | Workshop organization, outreach and educational materials design, facilitation, summary report. |
| <i>Metro Responsibilities:</i> | Materials production/printing, facility rental, food and beverage service, participant recruitment, speaker stipends, mailing costs. |
| <i>Number of Meetings:</i> | 2 planning meetings and 3-4 conference calls (combined focus group/targeted workshop meetings). |
| <i>Link to RTP TAP:</i> | Stakeholder workshops will be held to inform the desired outcomes and public priorities tasks in Phase 2 and prioritizing transportation investments within fiscal constraints tasks in Phase 3. The number of workshops needed for each phase will be determined by the project team, in partnership with Metro staff and leadership. |

Links to Other Efforts: Where ever possible partnering opportunities will be pursued to combine and consolidate the stakeholder workshops with other similar efforts being conducted by local governments and targeted groups and organizations. It is hoped that this will help to avoid “meeting fatigue” and will allow participants to better consider the broader issues facing the region.

Timeframe: September 2006 - June 2007

Number of Workshops: 5 (2 for traditionally underrepresented groups)

Web Site

The project team will create interactive project website components, including an interactive web survey element, and a budget scenario allocation exercise feature (the Budget Challenge Game).

Consultant Deliverables: Web survey element design, budget scenario allocation exercise design.

Metro Responsibilities: Hosting and maintenance of interactive elements, response collection and tabulation.

Number of Meetings: 1 Planning Meeting and 3-4 Conference Calls (combined Interactive Web Component/Web-based Outreach meetings).

Link to RTP TAP: Web-based outreach will be an ongoing feature of the public involvement effort to engage the general public and other stakeholders. The interactive survey element and budget scenario allocation game will be added during the project prioritization tasks of Phase 3. These elements are intended to assist in refining priorities and developing a Financially Constrained System of projects.

Links to Other Efforts: The RTP web component will be part of a larger web-based outreach effort that combines all of the New look long-range planning initiatives accessed through a single website. Opportunities to have local governments and other stakeholder group websites to provide links to the Metro website will be identified.

Timeframe: June 2006 – November 2007

Transportation Hotline

Metro staff will maintain a 2035 RTP Update message program with timely information that includes meeting dates and key decision points. A mailbox option for requesting information will also be established as part of this function.

Consultant Deliverables: None.

Metro Responsibilities: Hosting and maintenance of hotline, response collection and tabulation.

Link to RTP TAP: Use of the transportation hotline will be an ongoing feature of the public involvement effort to communicate key decisions points and receive comments during formal public comment periods.

Timeframe: June 2006 – March 2008

Media Outreach

Using mass media, information will be provided to inform and engage the community throughout the process. A mailing list of local media will be compiled. Media briefings will be conducted with reporters

and editorial board members as determined appropriate. Op-ed pieces will be developed. Press releases and media packets will be provided to media at key decision-making points. The media will be notified of public meetings and decisions prior to the date of the meeting/hearing.

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| <i>Consultant Deliverables:</i> | None. |
| <i>Metro Responsibilities:</i> | Creation of media list, preparation, printing and distribution of materials, general media outreach. |
| <i>Link to RTP TAP:</i> | Media outreach will be an ongoing feature of the public involvement effort to report on the results and findings of the technical tasks. |
| <i>Links to Other Efforts:</i> | Public information materials and outreach will explicitly link the RTP with the Regional Freight Plan and New Look processes. |
| <i>Timeframe:</i> | June 2006 – November 2007 |

Interested Parties Mailing List and Electronic Newsletters

An interested parties' mailing list will be established of interested members of the public.

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|---------------------------------|--|
| <i>Consultant Deliverables:</i> | None. |
| <i>Metro Responsibilities:</i> | Creation/maintenance of interested parties' mailing list, electronic newsletters. |
| <i>Link to RTP TAP:</i> | Use of the interested parties mailing list and electronic newsletters will be an ongoing feature of the public involvement effort. |
| <i>Timeframe:</i> | February 2006 – March 2008 |

Publications

Two newsletters are planned. Fact sheets will be developed throughout the process to describe different components of the update as needed. The newsletters and fact sheets will be distributed through Metro's website, at meetings and to stakeholders upon request. Summary reports documenting the results and findings of major tasks will also be developed and made available on Metro's website and meeting presentations.

| | |
|---------------------------------|---|
| <i>Consultant Deliverables:</i> | None. |
| <i>Metro Responsibilities:</i> | Preparation, printing and distribution of materials. |
| <i>Link to RTP TAP:</i> | Publications summarizing the results and findings of the TAP will be an ongoing feature of the public involvement effort. |
| <i>Links to Other Efforts:</i> | Public information materials and outreach will explicitly link the RTP with the Regional Freight Plan and New Look processes. |
| <i>Timeframe:</i> | June 2006 – March 2008 |

COMPONENT 2: STAKEHOLDER COORDINATION, COLLABORATION, AND OUTREACH (JUNE 2006-SEPTEMBER 2007)

The second component of the participation plan will bring agencies and jurisdictions and targeted stakeholders together to discuss the implications of the findings of the first component's outreach effort as well as to ensure effective regional and local collaboration and cooperation throughout the process. This effort will involve two main components: agency and jurisdictional outreach, and a collaboration and

cooperation effort focused on specific technical topics and interest areas. This component will be conducted along a roughly parallel timeframe with the first component.

Agency and Jurisdictional Outreach

In this component, the project team will work with cities, counties, and agencies such as Tri-Met and the Port of Portland to conduct targeted outreach and communication efforts intended to address the specific outreach and information needs of each agency or jurisdiction. In addition, the role of the project team will be to assist the agencies and jurisdictions in question so as to ensure that they are effectively collaborating with each other and the RTP process. The regular standing County Coordinating Technical Advisory Committees meetings and other means (e.g., joint MTAC/TPAC and MPAC/JPACT workshops, Regional Travel Options Subcommittee, Transport Subcommittee, Freight TAC the Bi-State Transportation Committee presentations) will be utilized to share project information and collect input throughout the process.

| | |
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| <i>Consultant Deliverables:</i> | Meeting organization, outreach and educational materials design, facilitation, summary report. |
| <i>Metro Responsibilities:</i> | Materials production/printing, facility rental, food and beverage service, participant recruitment, speaker stipends, mailing costs. |
| <i>Number of Meetings:</i> | 2-4 Planning Meetings and 1-2 Conference Calls (combined Agency and Jurisdictional Outreach/ Topical Workshops). |
| <i>Link to RTP TAP:</i> | The agency and jurisdictional outreach process is intended to extend the reach of the RTP outreach effort by coordinating with agencies and jurisdictions responsible for implementing elements of the Regional Transportation Plan. This effort will occur during the identification of desired outcomes, public priorities and scenarios tasks in Phase 2 and prioritization of transportation investment tasks in Phase 3, with coordinating meetings split evenly between the two phases. |
| <i>Links to Other Efforts:</i> | Where ever possible partnering opportunities will be pursued to combine and consolidate outreach to agencies and jurisdictions with other similar efforts. It is hoped that this will help to avoid “meeting fatigue” and will allow participants to better consider the broader issues facing the region. |
| <i>Timeframe:</i> | June 2006 – June 2007 |
| <i>Number of Workshops:</i> | 6 |

Mayors’/Chairs’ Forums

The Mayors’/Chairs’ forums will provide the setting for both sharing and collecting information with the region’s elected officials as part of the broader New Look process. Three forums are budgeted in the New Look work program. Metro staff and leadership will develop the specific objectives and format of these forums.

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|---------------------------------|--|
| <i>Consultant Deliverables:</i> | None. |
| <i>Metro Responsibilities:</i> | Materials production/printing, facility rental, food and beverage service, participant recruitment, speaker stipends, mailing costs. |
| <i>Link to RTP TAP:</i> | The forums are intended to extend the reach of the RTP outreach effort by coordinating directly with local elected officials responsible for implementing elements the Regional Transportation Plan. The purposes of the forum and link to technical work will be developed. |

Links to Other Efforts: The Forums are intended to directly link all New Look long-range planning efforts currently underway. The RTP (including the Regional Freight Plan), Shape of the Region, and Investing in Communities components will all be included in the forums and discussed as parts of one single planning effort.

Timeframe: October 2006 and May 2007

Technical Topic Workshops

These workshops will be conducted focusing on key interest areas and technical topics such as: finance, governance, economic development, sustainability, and housing as they related to the regional transportation system. Public agency and jurisdictional staff, as well as representatives from identified community-based organizations, business groups and advocacy groups will meet to help to ensure effective region-wide cooperation and collaboration. A high priority in this effort will be to make sure that minority, low-income, or other traditionally underrepresented communities share in the benefits of transportation improvements without bearing a disproportionate burden. The project team in partnership with Metro staff and leadership will develop the format and purpose of these workshops.

Consultant Deliverables: Meeting organization, outreach and educational materials design, facilitation, summary report.

Metro Responsibilities: Materials production/printing, facility rental, food and beverage service, participant recruitment, speaker stipends, mailing costs.

Number of Meetings: 3 Planning Meeting and 1-2 Conference Calls (combined Agency and Jurisdictional Outreach/Technical Topic and Interest Area meetings).

Link to RTP TAP: The topical workshops are intended to assist in the refinement of the transportation investment priorities and selection of the recommended implementation strategies.

Links to Other Efforts: Participants will be asked to consider transportation issues in relation to the broader long-range planning context. Opportunities to partner with local governments and targeted groups and organizations will be identified.

Timeframe: January 2007 – September 2007

Number of Workshops: 5

CETAS Briefings

SAFETEA-LU requires consultation of Federal and state wildlife, land management and regulatory/resource agencies during the process to ensure adequate consideration of environmental impacts at a transportation system planning level of analysis. The Collaborative Environmental and Transportation Agreement for Streamlining (CETAS) group includes state and federal resource agencies, including FHWA, National Marine Fisheries, ODOT, DLCD, ODEQ, Oregon Department of Fish and Wildlife, State Historic Preservation Office, Oregon Division of State Lands, Oregon Parks and Recreation, U.S. Army Corp of Engineers, U.S. Environmental Protection Agency and U.S. Fish and Wildlife Service. Metro staff and leadership will develop the specific objectives and format of these briefings.

Consultant Deliverables: None.

Metro Responsibilities: Materials production/printing and presentation.

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| <i>Link to RTP TAP:</i> | The consultation briefings are intended to extend the reach of the RTP outreach effort by coordinating directly with Federal and state wildlife, land management and regulatory/resource agencies as required by SAFETEA-LU. The purposes of the briefing and link to technical work will be developed in consultation with FHWA Division staff. |
| <i>Links to Other Efforts:</i> | The RTP (including the Regional Freight Plan), Shape of the Region, and Investing in Communities components will all be included in the briefings and discussed as parts of one single planning effort. |
| <i>Number of Briefings:</i> | 2 |
| <i>Timeframe:</i> | October 2006 and September 2007 |

Outreach Toolkit

In order to extend the reach of the outreach effort, local jurisdictions, agencies, and organizations will be provided with a “toolkit” of outreach and educational materials. This outreach kit will consist of a variety of educational materials and information designed for distribution to the public by Metro in partnership with agencies, jurisdictions, and organizations.

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| <i>Consultant Deliverables:</i> | Outreach toolkit design. |
| <i>Metro Responsibilities:</i> | Materials production/printing, toolkit distribution, mailing costs. |
| <i>Number of Meetings:</i> | 1-2 Conference Calls. |
| <i>Link to RTP TAP:</i> | The outreach toolkit will be developed to assist in the identification of desired outcomes and public priorities, with potential supplemental materials to be determined later to assist in the transportation investment prioritization tasks in Phase 3. |
| <i>Links to Other Efforts:</i> | The outreach toolkit will be created in such a way that it clearly links the RTP process with the New Look regional long-range planning effort. |
| <i>Timeframe:</i> | Development and distribution from June 2006 – September 2006, with supplemental materials development and distribution to occur after the December Forum to coincide with the project prioritization tasks in Phase 3. |

COMPONENT 3: ADOPTION PROCESS (SEPT. – NOV. 2007)

The third component will coincide with the release of the draft RTP, and will focus on soliciting input. A final Regional Forum, public hearings, web-based outreach, transportation hotline and other means will be used to provide information to key stakeholders and the general public. This component will begin upon release of a discussion draft 2035 RTP document. It is expected that this effort will begin in September 2007 and continue into November 2007.

Regional Forum

A Regional Transportation Forum will be conducted with the goal of introducing the findings and recommendations of the RTP and soliciting public feedback. The forum will be similar to the regional forums described in component one, with a focus on the discussion draft RTP and will include informational booths and presentations as well as a variety of methods for collecting feedback.

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|---------------------------------|--|
| <i>Consultant Deliverables:</i> | Meeting organization, outreach and educational materials design, facilitation, summary report. |
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| <i>Metro Responsibilities:</i> | Materials production/printing, facility rental, food and beverage service, participant recruitment, speaker stipends, mailing costs. |
| <i>Number of Meetings:</i> | 1 Planning Meeting and 1-2 Conference Calls. |
| <i>Link to RTP TAP:</i> | This forum will be conducted with the goal of introducing the findings and recommendations of the RTP and soliciting public feedback |
| <i>Links to Other Efforts:</i> | The forum will be structured so as to show the relationships between the RTP and Metro's other planning efforts. |
| <i>Timeframe:</i> | September 2007 |
| <i>Number of Forums:</i> | 1 |

Metro Council Public Hearings

Public hearings will be conducted throughout the region with the goal of introducing the findings and recommendations of the RTP and soliciting public feedback. These hearings will be hosted by the Metro Council as part of regular meetings, and may include informational booths.

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| <i>Metro Responsibilities:</i> | Materials production/printing, facility rental, food and beverage service, participant recruitment, mailing costs. |
| <i>Link to RTP TAP:</i> | The hearings will be conducted with the goal of introducing the findings and recommendations of the RTP and soliciting public feedback |
| <i>Links to Other Efforts:</i> | Where possible, public hearings will be combined with events of the other planning efforts. |
| <i>Timeframe:</i> | September – November 2007 |
| <i>Number of Hearings:</i> | 4 |

Web-Based Outreach

The project website will be configured to allow the public to submit comments on the draft RTP. The web page will also include a description of the update process, a timeline with key decision points, fact sheets, newsletters and other pertinent information about the process. Additionally, the Budget Challenge Game will be completed and ready for public use.

| | |
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| <i>Consultant Deliverables:</i> | Summary report and the Budget Challenge Game. |
| <i>Metro Responsibilities:</i> | Hosting and maintenance of interactive elements, response collection and tabulation. |
| <i>Number of Meetings:</i> | 1 Planning Meeting and 3-4 Conference Calls (combined Interactive Web Component/Web-based Outreach meetings). |
| <i>Link to RTP TAP:</i> | Web-based outreach will be integrated into the public review phase of the discussion draft RTP. |
| <i>Links to Other Efforts:</i> | The RTP web component will be part of a larger web-based outreach effort that combines all four long-range planning initiatives accessed through a single website. Opportunities to have local governments and other stakeholder group websites to provide links to the Metro website will be identified. |
| <i>Timeframe:</i> | Ongoing |

Transportation Hotline

Metro staff will maintain a 2035 RTP Update message program with timely information that includes meeting dates and key decision points. A mailbox option for leaving comments and requesting information will also be established as part of this function.

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| <i>Consultant Deliverables:</i> | None. |
| <i>Metro Responsibilities:</i> | Hosting and maintenance of hotline, response collection and tabulation. |
| <i>Link to RTP TAP:</i> | Use of the transportation hotline will be integrated into the public review phase of the discussion draft RTP. |
| <i>Timeframe:</i> | September – November 2007 |

Media Outreach

Using mass media and public outreach techniques, information will be provided to inform and engage the community about the release of the draft RTP, and solicit feedback. Media briefings will be conducted with reporters and editorial board members as determined appropriate. Press releases and media packets will be developed and provided to media at key decision-making points. The media will be notified of public meetings and decisions prior to the date of the meeting/hearing.

| | |
|---------------------------------|---|
| <i>Consultant Deliverables:</i> | None. |
| <i>Metro Responsibilities:</i> | Preparation, printing and distribution of materials, general media outreach. |
| <i>Number of Meetings:</i> | 1-2 conference calls (if needed). |
| <i>Link to RTP TAP:</i> | Media outreach will be integrated into the public review phase of the discussion draft RTP. |
| <i>Links to Other Efforts:</i> | Public information materials and outreach will explicitly link the RTP with the New Look. |
| <i>Timeframe:</i> | September 2007 – November 2007 |

Public Comment Report

A public comment report will be compiled and summarized at the end of the formal public comment period.

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| <i>Consultant Deliverables:</i> | None. |
| <i>Metro Responsibilities:</i> | Public Comment Report and printing and distribution of materials. |
| <i>Link to RTP TAP:</i> | The public comment summary report will be integrated into the public review phase of the discussion draft RTP and will be used to identify refinements to the discussion draft RTP prior to adoption. |
| <i>Timeframe:</i> | September 2007 – November 2007 |

Final Public Outreach Summary Report

A final summary report containing a complete evaluation and overview of the outreach effort, including a discussion of the successes and potential areas for improvement will be created.

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| <i>Consultant Deliverables:</i> | Final Summary Report. |
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| <i>Metro Responsibilities:</i> | Printing and distribution of materials. |
| <i>Number of Meetings:</i> | 1-2 conference calls (if needed). |
| <i>Link to RTP TAP:</i> | The final public outreach summary report is intended to be included in the final RTP report. |
| <i>Links to Other Efforts:</i> | The RTP summary report will include a section that outlines how the outreach effort for the RTP was linked with New Look efforts, as well as an evaluation of how well this was accomplished. |
| <i>Timeframe:</i> | February 2008 |

APPENDIX A: ADDITIONAL CONTEXT FOR THE 2035 RTP UPDATE

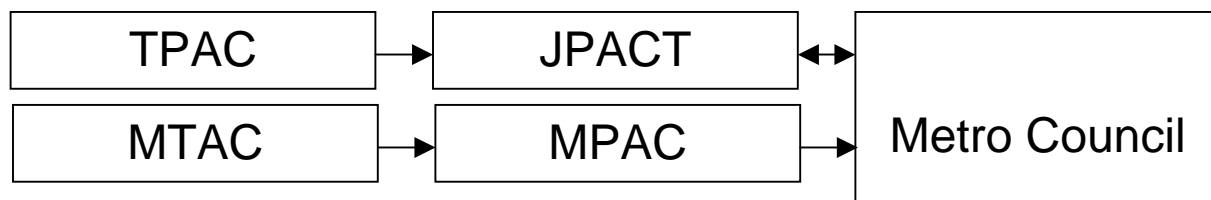
REGIONAL CONSULTATION, COORDINATION AND DECISION-MAKING STRUCTURE

Metro's transportation planning activities are guided by a decision-making framework that consults and coordinates the perspectives of federal, state, regional and local government agencies, citizens and interest groups as part of the decision-making process.

Metro facilitates this consultation and coordination through four advisory committee bodies –the Joint Policy Advisory Committee on Transportation (JPACT), the Metro Policy Advisory Committee (MPAC), the Transportation Policy Alternatives Committee (TPAC) and the Metro Technical Advisory Committee (MTAC). In addition, the Metro Committee for Citizen Involvement (MCCI) provides advice to the Metro Council on how to best involve residents in regional planning activities. **Figure 1** displays the regional transportation decision-making process.

Figure 1.

Regional Transportation Decision-Making Process



Source: Metro

Roles and Responsibilities

A more detailed description of make-up and the roles and responsibilities of each decision-making body are provided below.

Metro Council. The Council President is directly elected region-wide and the six other members of the Metro Council are directly elected from districts throughout the region. The Council approves Metro policies, including transportation plans recommended by JPACT. The Metro Council, in making policy decisions and approving transportation plans, relies on JPACT and the Metro Policy Advisory Committee (MPAC) for input. JPACT and MPAC, in turn, rely on technical expertise and input from TPAC and the Metro Technical Advisory Committee (MTAC).

JPACT. The Joint Policy Advisory Committee on Transportation (JPACT) provides a forum for elected officials and representatives of agencies involved in transportation planning to evaluate transportation policies and make recommendations on projects to implement those policies. This 17-member committee makes funding recommendations to the Metro Council. The committee includes elected officials from local governments within the region, three Metro councilors, representatives from ODOT, TriMet, the Port of Portland, plus representatives from governments and agencies of Clark County, Wash., and the state of Washington. The JPACT finance subcommittee also meets to develop and recommend financing strategies to implement the region's transportation policies.

- **Bi-State Transportation Committee**

The Bi-State Coordination Committee is a subcommittee of Metro's Joint Regional Policy Advisory Committee on Transportation (JPACT) and Southwest Washington Regional Transportation Council (RTC). The role of the committee is to review transportation and land-use issues of bi-state significance and to present recommended actions to JPACT and RTC. The committee is comprised of six members from Clark County and seven members from the Portland metro area. The Bi-State Coordination Committee was chartered through resolutions approved by Metro, Multnomah County, the cities of Portland and Gresham, TriMet, ODOT, the Port of Portland, the Southwest Washington Regional Transportation Council (RTC), Clark County, C-Tran, Washington State Department of Transportation (WSDOT) and the Port of Vancouver.

MPAC – Metro Policy Advisory Committee (MPAC) is a 28-member committee that was established by Metro Charter to provide a vehicle for local government involvement in Metro's growth management planning activities. It includes eleven locally-elected officials, three appointed officials representing special districts, TriMet, a representative of school districts, three citizens, two Metro Councilors (with non-voting status), two officials from Clark County, Washington and an appointed official from the State of Oregon (with non-voting status). Under Metro Charter, this committee has responsibility for recommending to the Metro Council adoption of, or amendment to, any element of the Charter-required Regional Framework Plan. In accordance with this requirement, the transportation plan developed to meet SAFETEA-LU, the Oregon Transportation Planning Rule and Metro Charter requirements will be developed with input from both MPAC and JPACT. This ensures proper integration of transportation with land use and environmental concerns.

TPAC. The Transportation Policy Alternatives Committee (TPAC) provides technical input into the planning process and makes recommendations to JPACT. TPAC membership includes senior technical staff from cities and counties in the region, ODOT, TriMet, the Port of Portland, the Washington Department of Transportation, Federal Highway Administration, Oregon Department of Environmental Quality and the Southwest Washington Regional Transportation Council. There are also six citizen representatives with strong public involvement skills and diverse backgrounds appointed to TPAC by the Metro Council. The citizen members represent business, freight, and alternative mode interests from different parts of the region.

- **Regional Travel Options (RTO) subcommittee.** The Regional Travel Options (RTO) subcommittee makes recommendations to the Transportation Policy Alternatives Committee (TPAC) related to a program to provide alternatives to driving alone in the region. The subcommittee has a total of three citizen representatives who join technical staff from jurisdictions around the region, including Metro, ODOT, TriMet, Washington County, Multnomah County, Clackamas County, City of Portland, Oregon Department of Energy, DEQ, Port of Portland and Wilsonville's South Metro Area Rapid Transit (SMART) agency and the Clark County Strategic Planning group (C-TRAN, WASHDOT or SWRTC).
- **Transport subcommittee.** The TransPort Subcommittee to TPAC guides and coordinates the region's intelligent transportation activities, including policy and operations as recommended by SAFETEA-LU. The committee is a multi-agency group of transportation system providers representing the same agencies as TPAC. In early 2005, the role of this group as a Subcommittee of TPAC was formalized.

MTAC – The Metro Technical Advisory Committee (MTAC) provides technical support into the regional planning process and makes recommendations to MPAC. The 37-member committee is composed of three citizen members, planning directors and other senior-level staff from cities and counties around the region including Clark county and Vancouver, Washington, ODOT, TriMet, the Department of Land Conservation and Development, Port of Portland, business, commercial and industrial representatives, service providers, community and environmental organizations.

MCCI –The Metro Committee for Citizen Involvement (MCCI) was established under Metro’s home-rule charter in 1992 to assist with the development, implementation and evaluation of Metro’s citizen involvement program and advise on how to best involve residents in regional planning activities. The committee has 20 positions: two in each of the six council districts; one representative from each of the county citizen involvement organizations; one representative from each county area outside Metro’s boundary; and two at-large positions. According to its bylaws, MCCI includes members from the entire area within the boundaries of Clackamas, Multnomah and Washington counties.

Regional Freight and Goods Movement Task Force – The Regional Freight and Goods Movement Task Force will be comprised of 33 members from the community, private and public sectors, representing the many elements of the multimodal freight transportation system and community perspectives on freight. Recommendations from the Regional Freight TAC will be forwarded to the Regional Freight and Goods Movement Plan Task Force. The Task Force will make its recommendations to TPAC, JPACT and the Metro Council. The recommendations will be forwarded to the 2035 Regional Transportation Plan process for adoption into the region’s long-range transportation system plan.

Freight Technical Advisory Committee – The Freight Technical Advisory Committee (TAC) will be comprised of public sector staff from the local, regional, and state agencies operating within Metro’s jurisdictional boundaries. The TAC will provide input and review of technical work products developed as part of the *Regional Freight and Goods Movement Plan*.

REGULATORY CONTEXT FOR 2035 RTP UPDATE

The 2035 RTP Update is the first significant update to the Portland region’s RTP since the 2000 RTP.⁹ The 2000 RTP was the culmination of a five-year effort to overhaul the previous plan to reflect new federal and state regulations and to implement the then newly adopted 2040 Growth Concept. It was the first RTP to be acknowledged by the LCDC as consistent with statewide planning goals. This planning effort will be conducted within the context of guiding federal, state, and regional transportation and land use policy and requirements.

Federal Context

Metropolitan areas with populations over 50,000 people are required by federal law to have a Metropolitan Planning Organization (MPO), and those organizations are required to prepare regional transportation plans that describe, among other things, how federal and state funds for transportation projects and programs will be spent. An MPO must create an RTP that identifies the transportation investments it will make with those funds over a 20-year planning period. Plans are required to be updated at least every four years.

Federal rules also require the RTP to be *financially constrained*, that is, the estimated costs of the identified projects do not exceed an estimate of revenues that are “reasonably anticipated to be available” for the 20-year plan period. A transportation project is eligible for federal transportation funds distributed through Metro if it is included in the financially constrained system and is consistent with federal air quality standards.

At the federal level, Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) is the most recent federal transportation legislation that establishes a comprehensive framework for making transportation investment decisions in metropolitan areas. Among other

⁹ There were minor updates in 2002 and 2003-04, designed to keep the RTP in compliance with state regulations and federal changes to transportation laws.

provisions, it directs Metro to expand consultation and coordination with planning officials, resource agencies and users of the system, develop a formal public participation plan that provides reasonable opportunities for interested parties to comment on development of the RTP and address eight planning factors focused on:

- Improving transportation safety
- Enhancing security
- Preserving the existing transportation system
- Supporting economic vitality
- Connecting people, freight, and modes
- Increasing system management and operations
- Minimizing environmental impacts
- Increasing mobility and accessibility

State Context

In 1991, the Land Conservation and Development Commission adopted the Oregon Transportation Planning Rule (TPR). The TPR implements State Land Use Planning Goal 12, Transportation, which was adopted by the Oregon Legislature in 1974. The TPR is the road map for the preparation of transportation system plans (TSP) by all jurisdictions responsible for transportation planning in the state of Oregon.

TSPs prepared at the state, regional and local are required to plan for all modes of transportation. The TPR requires most cities and counties and the state's five MPOs to adopt transportation system plans that consider all modes of transportation, energy conservation and avoid principal reliance on any one mode to meet transportation needs. By state law, local plans in MPO areas must be consistent with the regional transportation system plan (TSP). In the Portland region, the Regional Transportation Plan serves as the regional TSP. Likewise, the regional TSP must be consistent with the Oregon Transportation Plan, adopted in 1992 by the Oregon Transportation Commission.

The state TPR requires that transportation system plans provide an adequate system of improvements that meet adopted performance measures. Goal 12 lists implementing directives including consideration of all modes of transportation; identification of needs; avoidance of single mode reliance; minimization of adverse impacts; energy conservation; meeting needs of transportation disadvantage; strengthening the economy by facilitating the flow of goods and services; and conformity with land use plans. The TPR also establishes mandates for linking transportation planning with land use.

Regional Context

In 1979, the voters in this region created Metro, the only directly elected regional government in the nation. In 1991, Metro adopted Regional Urban Growth Goals and Objectives (RUGGOs) in response to state planning requirements. Revised in 1995 and acknowledged by the Land Conservation Development Commission in 1996, the RUGGOs establish a process for coordinating planning in the metropolitan region in an effort to preserve regional livability. In 1995, RUGGOs, including the 2040 Growth Concept, were incorporated into the Regional Framework Plan in 1997 to provide the policy framework for guiding Metro's regional planning program, including development of functional plans and management of the region's urban growth boundary. The RTP is a Metro functional plan.

Metro Charter

In 1992, the voters of the Portland metropolitan area approved a home-rule charter for Metro. The charter identifies specific responsibilities of Metro and gives the agency broad powers to regulate land-use planning throughout the three-county region and to address what the charter identifies as “issues of regional concern.” Among these responsibilities, the charter directs Metro to provide transportation and land-use planning services, oversee regional garbage disposal, and recycling and waste reduction programs, develop and operate a regional parks system and operate regional spectator facilities such as the Oregon Zoo, the Oregon Convention Center and the Portland Metropolitan Exposition (Expo) Center. The charter also directed Metro to develop the 1997 Regional Framework Plan that integrates land-use, transportation and other regional planning mandates. The 2040 Growth Concept and implementing functional plan were incorporated into the charter-required regional framework plan.

Regional Framework Plan

The Regional Framework Plan is a comprehensive set of policies that integrate land-use, transportation, water, parks and open spaces and other important regional issues consistent with the 2040 Growth Concept. The Framework Plan is the regional policy basis for Metro’s planning to accommodate future population and employment growth and achieve the 2040 Growth Concept.

2040 Growth Concept

The 2040 Growth Concept was adopted in 1995, and serves as the blueprint for future growth in the region. The Growth Concept text and map identify the desired outcome for the compact urban form to be achieved in 2040. The 2040 Growth Concept has been acknowledged to comply with statewide land use goals by the Land Conservation and Development Commission (LCDC). It is the foundation of Metro’s 1997 Regional Framework Plan. Adoption of the 2040 Growth Concept established a new direction for planning in the Portland metropolitan region by linking urban form to transportation. This new direction reflects a regional commitment to developing a plan that is based on efficient use of land and a safe, cost-effective and efficient transportation system that supports the land uses in the 2040 Growth Concept and serves all forms of travel.

The unifying theme of the 2040 Growth Concept is to preserve the region’s livability while planning for expected growth in this region – a principle that calls for a regional transportation system designed to meet the specific needs of each 2040 Growth Concept land use component. The Regional Transportation Plan seeks to protect the region’s livability by defining a transportation system that:

- anticipates the region’s current and future travel needs for safe and efficient people and goods movement
- accommodates an appropriate mix of all forms of travel
- supports key elements of the 2040 Growth Concept through strategic investments in the region’s transportation system

A New Look at Regional Choices

Since the adoption of the long-range plan in 1995, the region’s population has increased by 200,000 residents. More people, especially young adults, are moving to the region because it is a great place to live, work and play. This rapid growth brings jobs and opportunity, but it also creates new challenges. New forecasts show that within the next 25 years, about a million more people will live in the five-county

Portland metropolitan region. Time has exposed some of the shortcomings in the implementation of the region's long-range plan, as well as tensions and trade-offs between different objectives.

In 2005, the Metro Council initiated a project called the New Look at Regional Choices (the New Look) is a regional process to update Metro's long-range strategies and policies for managing growth. The process will focus primarily on updating the region's implementation tools to best support the region's vision for urban form, the economy, transportation, and the environment. At the end of 2006, the Metro Council will adopt updated policies and implementation strategies, which may include proposals for the 2007 Oregon Legislature and policy direction on transportation investment priorities to be integrated into the 2035 RTP. The RTP Update is simultaneously the transportation element of the New Look. Metro wants the region's land use and transportation policies work together to enhance the region's economic strength and livability.

KEY ISSUES TO BE ADDRESSED

The region has aggressively implemented state policy calling for reduced reliance on any single mode of transportation. In practice, this has meant complementing the region's roads and highways with a comprehensive public transit network; taking seriously the needs of pedestrians and bicyclists in addition to cars; and integrating land use and transportation planning by promoting compact urban form and mixed-use development. Providing for our future transportation needs will be made more difficult by several key challenges, all of which have important implications for the region's ability to achieve its economic and community goals.

Growth: As the region expands to accommodate the one million new residents that are expected to be living here by 2030, major new transportation investments will be required to serve both developed and developing areas.

Congestion: A 2005 study found that the region's excellent rail, marine, highway, and air connections to national and international destinations position it as both a hub for the distribution of goods across the country and a gateway for global trade. These connections make the region's economy highly dependent on transportation. However, projected growth in freight and general traffic cannot be accommodated on the current system. Increasing congestion — even with currently planned investments — will harm the region's ability to maintain and grow business.

Funding: State and local funding for roads and transit is failing to keep pace with current needs, to say nothing of the growth expected in the coming decades. Funding has been identified for less than half the \$10 billion cost of the projects in the current Regional Transportation Plan. Furthermore, these capital expenditures compete against critical needs for operations and maintenance of the existing transportation system.

Issues to resolve

- How should the region prioritize needed transportation projects given current funding constraints? How can the region respond to rapid population growth if funding remains static?
- What is the appropriate balance between large projects that serve freight and economic development and other projects that support transportation choices and vibrant centers and neighborhoods?
- Where will the funding come from for the significant infrastructure investments needed to serve new urban areas brought inside the urban growth boundary?

- How can the region ensure that major highway projects solve existing problems rather than inducing demand from outside the region and creating new problems?
- How can we fund multi-modal projects that are critical for community livability but not eligible for highway fund dollars?
- How can the region reconcile the fragmented ownership of its transportation facilities with the need for coordinated governance of the system?
- How can the region best monitor whether its transportation system is successful in meeting regional goals and policies?

FRAMEWORK FOR UPDATING THE RTP

Though there are many requirements (federal and state) and planning standards that affect the content of an RTP, it is fundamentally about making good choices about transportation investments that support our land use, economic and environmental goals in the face of competition for limited funds. The process leading to an adopted RTP, and the transportation investments it authorizes, must incorporate public opinion and technical information in a public discussion of:

- What the region wants from its transportation system (outcomes).
- What projects and programs are most likely to produce those outcomes efficiently and fairly.
- What obstacles (especially financial ones) are there to implementing those projects and programs.
- What projects, programs and strategies should be pursued.

In sum, the RTP planning effort should provide good information (accurate, relevant, and understandable) about project and program performance (benefits and costs) in an open process that facilitates decisions about transportation investments that best advance the 2040 Growth Concept and are efficient and equitably serve the public.

New directions and emphasis

To this end, two elements of the planning process are to be given particular attention in the 2035 RTP Update:

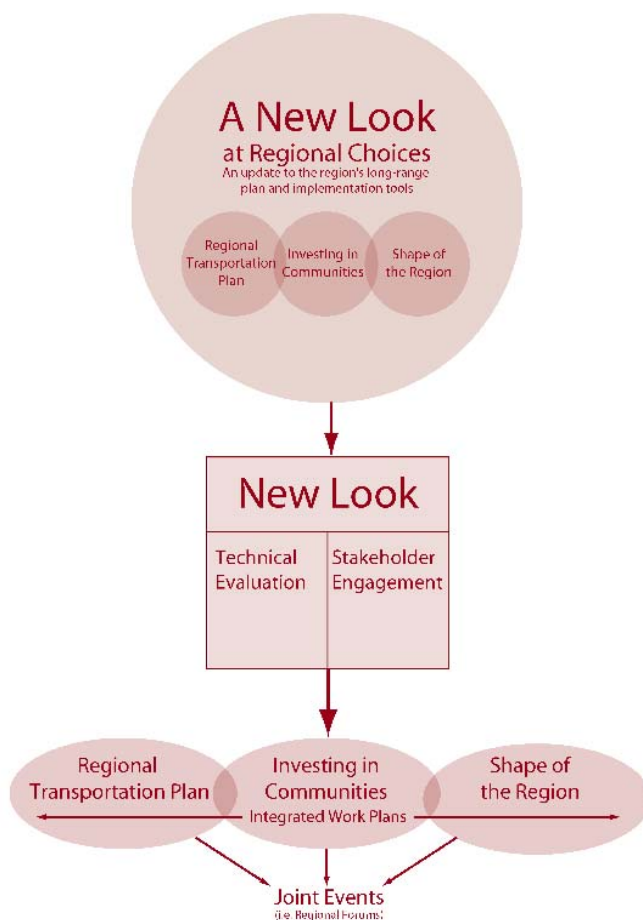
- **Integration and coordination with other regional planning processes.** The process for plan development and review must coordinate with other planning process to achieve common regional goals and outcomes. There are important links between transportation improvements and strategic investments that forward goals for land use and the region's economy while also supporting goals for protecting the environment. Consultation with a broader spectrum of interests will also be integrated into the process as the RTP update is integrated within the broader New Look planning process.
- **Focus on good information about desired outcomes, actions to achieve them, and the ability to afford those actions given realistic financial expectations.** The values and desired outcomes of the public are very important, and the decision-making process will focus on those values and outcomes to develop a priority list of transportation investments that is calibrated with realistic financial expectations for funding priority transportation services and programs to maximize benefits across the region.

Integration and coordination

The Portland region is held as a model around the country for coordinated regional planning on transportation and land use. The RTP process and resulting planning must be integrated both internally and externally. Internally, the planning must coordinate the *technical analysis and policy development* with the *public-participation process*. *Internal integration* means that the RTP process is designed so that the technical information is available for the public process and decision-makers when it is needed, and the public process does not consider policy issues before the appropriate technical information can be made available. *External integration* means that the RTP process is coordinated with other planning efforts in the region. Metro is concurrently updating the region's long-range growth management plan, supporting transportation plan, and implementation tools in its *New Look* planning effort. **Figure 2** illustrates how the RTP update fits in the New Look planning process.

Figure 2.

A New Look at Regional Choices Planning Process



Source: MIG

The circle at the top of **Figure 2** shows the *New Look* as the comprehensive evaluation of development issues in the Portland region. The New Look has three main components, each with many technical elements:

- *Investing in Communities* focuses on growth and development *inside* the current urban growth boundary (UGB).
- *Shape of the Region* focuses on growth and development at the urban fringe, primarily *outside* the current UGB.
- *A New Look at Transportation* (which is simultaneously the required federal process for creating an RTP) supports (and also influences) the vision for growth and development that emerges from the previous two components.

The RTP update will focus on all types of transportation projects and programs—including highways, streets, boulevards, transit, walking, biking, freight, system management and operations and demand

management. By working within the umbrella of the New Look, the process will take into consideration how those transportation investments affect land use, the economy and environmental quality.

Focus on outcomes

The current 2004 RTP includes nearly 1,000 multi-modal projects estimated to cost more than \$10 billion, but the region anticipates receiving less than \$5 billion in revenue over 20 years. Furthermore, these are capital costs that compete for the same sources used by state, regional, and local governments for operations and maintenance. This funding shortfall creates problems not only for providing needed transportation infrastructure investments, but also for the achieving the desired land-use patterns envisioned in the 2040 Growth Concept.

That gap between the cost of desired transportation improvements and the ability to pay for them is a central concern of the 2035 RTP Update. *To address the funding challenges Metro wants to modify the traditional process the region uses to evaluate and prioritize transportation improvements. Metro also wants the process to define the critical transportation issues facing the region and choices for prioritizing needed transportation improvements in the context of the New Look.*

A goal of this planning effort is a more streamlined plan and a list of transportation priorities that:

- support the Region 2040 Growth Concept and the New Look policy direction, and
- collectively do not cost more than realistic estimates of revenues. The process should engage citizens and their elected and appointed representatives to elicit their opinions about what transportation improvements are most important to them to inform prioritizing transportation investments.

Metro originally asked the consultant team to design a process based on an approach called “Budgeting for Outcomes.” The approach builds from three premises: (1) there are specific outcomes the public desires; (2) there is a price the public is willing to pay for government services that has remained relatively constant over time; and (3) establishing budget priorities within that willingness to pay should be based on public input.

Because the “Budgeting for Outcomes” approach is designed for a single jurisdiction to make budget priority decisions for an individual jurisdiction, Metro and the consultant team are adopting its principles but adapting its procedures to fit within the complex transportation funding and multi-jurisdictional environment that exists in the Portland metropolitan region. The clear desire is to move away from a plan that is a compilation of locally desired projects with an unfunded cost, to one that focuses on delivering specific results (e.g., outcomes) that citizens value (e.g., priorities) at a price they are willing to pay. The 2035 RTP Update process will enable citizens and decision-makers to work together to identify the highest priority transportation projects and programs—ones that provide a relatively high amount of net benefits for the entire region.

Better information about what transportation improvements people want and are willing to pay for is essential to the creation of an RTP that provides efficient transportation improvements and is financially constrained. What people are willing to pay (in their various roles as transportation users and federal, state, and local taxpayers) theoretically establishes the financial constraint. Given that context, an RTP (like any plan for public investment) should try to:

- *Identify what matters to citizens.* This requires identifying the public’s desired outcomes and transportation priorities in the context of limited transportation funding.

- *Measure what matters.* This requires the development of outcomes-based performance measures that should include qualitative assessments of impacts (e.g., public opinion) as well as quantitative ones (e.g., the outputs of travel-demand models or environmental justice analysis) while being careful not to double-count either as a benefit or a cost.
- *Identify choices to be made through public policies and/or investments.* Though the choices are ultimately political ones (made by a small group of decision-makers elected or appointed to represent a larger public), the hope is that the choices made roughly conform to a ranking of projects based on net benefits (cost-effectiveness), subject to constraints imposed by goals for the distribution of net benefits (fairness, equity).

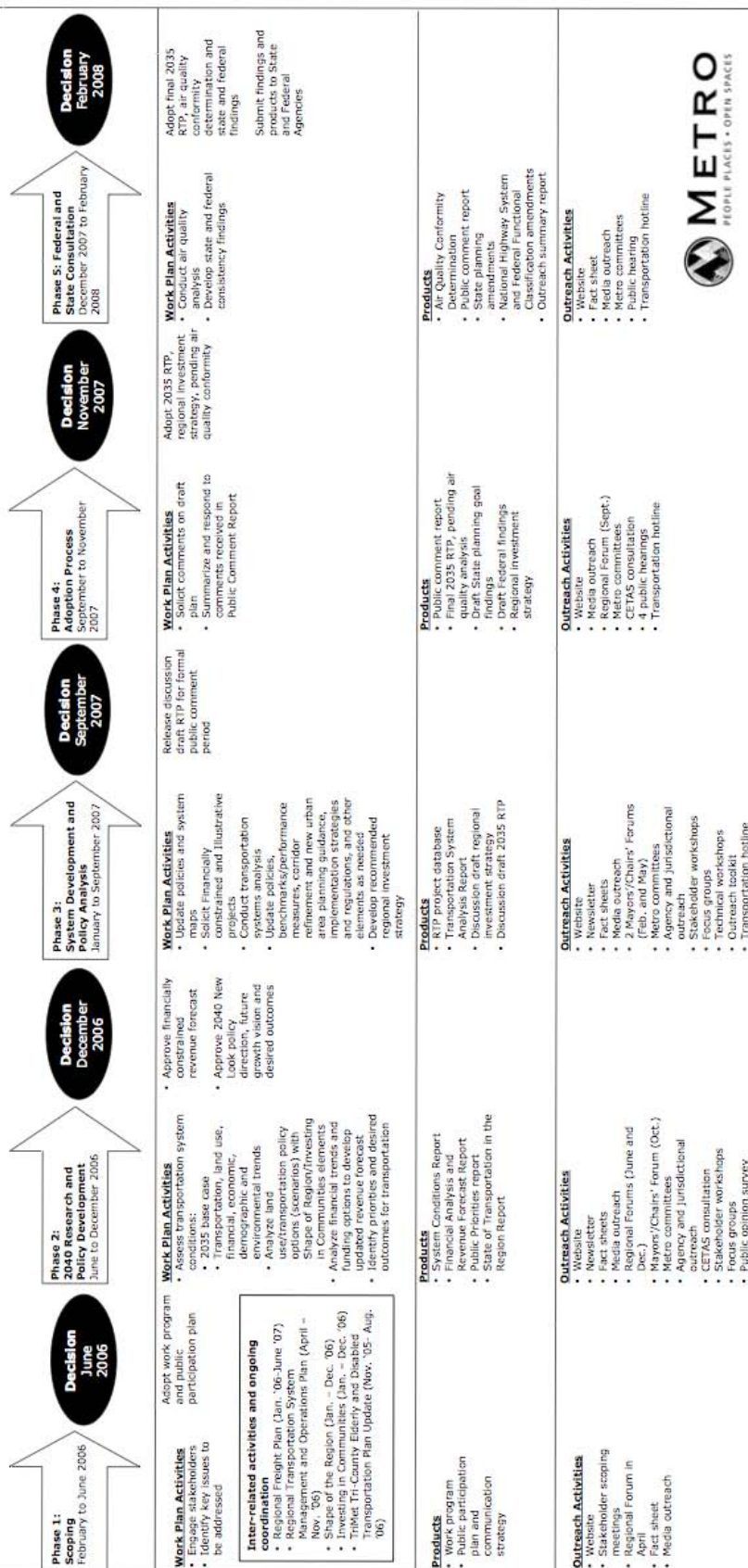
This logic has been fundamental to proponents of effective decision-making and public policy for a century and will serve as the foundation for the 2035 RTP update. The RTP update technical evaluation will fit into and inform a larger process of public decision-making. A public decision-making process that is informed by good information (understandable and accurate, with assumptions and variability clearly documented) will result in better and more informed decisions.

APPENDIX B: TIMELINE, MAJOR TASKS AND OUTREACH STRATEGIES

| 2006 | | |
|------------------|---|--|
| | WORK PLAN ACTIVITY | OUTREACH AND PARTICIPATION |
| Feb–June | <ul style="list-style-type: none"> ▶ Stakeholder scoping ▶ Identify key issues to address ▶ Establish project website and interested parties' list ▶ Develop and finalize work program and PPP | <ul style="list-style-type: none"> • Regional Transportation Forum (April 20) • Review of work plan and PPP—MCCI/Council/JPACT/MPAC/MTAC/ TPAC • Information on Metro website |
| June–Sept | <ul style="list-style-type: none"> ▶ Define a framework that allows desired outcomes to be measured and to be useful in evaluating transportation system ▶ Research transportation system conditions (transportation, economic, financial, demographic and environmental trends) ▶ Analyze financial trends, evaluate funding options and draft 20-year revenue forecast ▶ Define and evaluate “scenarios” that distinguish land use and transportation policy choice ▶ Identify desired outcomes and performance measures | <ul style="list-style-type: none"> • Regional forum (June) • Council/JPACT/MPAC/MTAC/TPAC discussions • One Focus group • Three stakeholder workshops • Three jurisdiction/agency workshops • Fact sheets • Outreach toolkit prepared • Media outreach (op-ed pieces, newspaper articles) • Metro website • Metro transportation hotline |
| Oct-Dec | <ul style="list-style-type: none"> ▶ Comprehensive transportation system assessment ▶ Develop State of Transportation in the Region report ▶ Adopt revenue forecast and New Look policy direction for RTP | <ul style="list-style-type: none"> • One Mayors’/Chairs’ forum (Fall) • Regional transportation forum (Dec) • Council/JPACT/MPAC/MTAC/TPAC discussions • One focus group • Public opinion survey • Newsletter • Media outreach (op-ed pieces, newspaper articles) • Metro website • Metro transportation hotline |
| 2007 | | |
| | WORK PLAN ACTIVITY | OUTREACH AND PARTICIPATION |
| JAN–JUNE | <ul style="list-style-type: none"> ▶ Update policies and system maps ▶ Solicit RTP projects ▶ Create RTP project database ▶ Conduct transportation system analysis ▶ Refine policies and update implementation strategies and regulations | <ul style="list-style-type: none"> • Council/JPACT/MPAC/MTAC/TPAC discussions • Three focus groups • Two stakeholder workshops • Three jurisdiction/agency workshops • Fact sheets • Topical workshops • Metro website • Metro transportation hotline |

| 2007 (CONT) | WORK PLAN ACTIVITY | OUTREACH AND PARTICIPATION |
|-------------------------|--|--|
| SEPT–NOV | <ul style="list-style-type: none"> ▶ Release discussion draft RTP for public review ▶ Respond to public comments ▶ Refine draft RTP based on comments ▶ Adopt 2035 RTP, pending air quality conformity analysis | <ul style="list-style-type: none"> • Formal 45-day public comment period • Regional Transportation Forum (Sept) • Council/JPACT/MPAC/MTAC/TPAC discussions • Metro hotline • Public hearings • Public comment summary report • Public information (notices, op-ed pieces, newspaper articles) • Information on Metro website |
| DEC–JAN 2008 | <ul style="list-style-type: none"> ▶ Air quality consultation on methodology and assumptions ▶ Conduct air quality analysis | <ul style="list-style-type: none"> • Air quality consultation • Metro website |
| 2008 | WORK PLAN ACTIVITY | OUTREACH AND PARTICIPATION |
| JAN–FEB | <ul style="list-style-type: none"> ▶ Develop state and federal consistency findings ▶ Respond to public comments on air quality conformity ▶ Refine draft RTP based on comments | <ul style="list-style-type: none"> • Formal 30-day public comment period on air-quality conformity analysis • Continue air-quality consultation • Metro hotline • Metro website • Public hearing • Fact sheet • Information on Metro website |
| FEB–MARCH | <ul style="list-style-type: none"> ▶ Final adoption of 2035 RTP, Air Quality Conformity and findings ▶ Submit final 2035 RTP, conformity determination, and federal findings to FHWA/FTA for review and Federal certification ▶ Submit final 2035 RTP and findings to State for post-acknowledgement review | <ul style="list-style-type: none"> • Public notices • Outreach evaluation report |

A New Look at Transportation



STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 06-3661, FOR THE PURPOSE OF
APPROVING A WORK PROGRAM FOR THE 2035 REGIONAL TRANSPORTATION PLAN
UPDATE AND AUTHORIZING THE CHIEF OPERATING OFFICER TO AMEND
CONTRACT NO. 926975

Date: May 31, 2006

Prepared by: Kim Ellis

SUMMARY

Metro is the regional government responsible for regional land use and transportation planning under state law and the federally designated metropolitan planning organization (MPO) for the Portland metropolitan area. As the MPO, Metro is charged with developing the Regional Transportation Plan (RTP) that defines regional transportation policies that will guide transportation system investments in the Portland metropolitan region needed to achieve the 2040 Growth Concept. The RTP must be updated at least every 4 years, and be consistent with guiding federal, state, and regional transportation and land use policy and requirements. The RTP also serves as the threshold for all federal transportation funding in the Portland metropolitan region and describes how federal and state funds for transportation projects and programs will be spent in the region. An MPO must create an RTP that identifies the transportation investments it will make with those funds for at least a 20-year planning period, consistent with federal and state air quality requirements. As the federally designated Metropolitan Planning Organization (MPO), Metro coordinates the distribution of these funds through the RTP and Metropolitan Transportation Improvement Program (MTIP).

The Metro Council initiated the 2035 RTP Update on September 22, 2005 with approval of Resolution #05-3610A (for the Purpose of Issuing a Request for Proposals to Develop a Work Scope for an Expanded 2005-08 Regional Transportation Plan Update that Incorporates the "Budgeting for Outcomes" Approach to Establishing Regional Transportation Priorities). The 2035 RTP update represents the first significant update to the plan in six years. The update is anticipated to be complete by November 2007 to allow adequate time to complete air quality conformity analysis and federal consultation before the current plan expires on March 8, 2008.

This is the first major update to the RTP since 2000, which was the first truly multi-modal plan to fully embrace the policies and vision for 2040 Growth Concept. The region is experiencing unprecedented growth and increasing competition for limited funds. The current plan includes projects that would cost more than twice the anticipated funding. This update will involve a new approach to address these issues and guiding federal, state and regional transportation and land use policy and requirements. The new approach (1) includes a strong education component to increase community and stakeholder awareness of the issues, (2) uses an outcomes-based approach to assess 2040 implementation and to evaluate and prioritize the most critical transportation investments, (3) emphasizes collaboration with regional partners and key stakeholders to resolve the complex issues inherent in realizing the region's 2040 Growth Concept, and (4) integrates land use, economic, environmental and transportation objectives that are part of the broader New Look planning effort.

The process will also build on new information learned from the Cost of Congestion Study and New Look public opinion research. The process will also address new federal, state and regional planning requirements, including SAFETEA-LU legislation, recent Transportation Planning Rule amendments and new policy direction from the New Look planning process.

This resolution approves the 2035 RTP Update work program and authorizes the Chief Operating Officer to amend Metro Contract No. 926975, Amendment #2, for additional time, budget and scope for consulting services identified in Exhibit A, for the period from February 17, 2006 to June 30, 2007, not-to-exceed \$410,000.

BACKGROUND

2035 RTP Update Scoping Phase

The first phase of the update included a formal scoping period to develop a detailed work plan to guide the update process. In February, Metro selected the ECONorthwest team¹ to assist with this effort. In March, Metro staff and the consultant team facilitated a series of focused policy-level discussions with the Metro Council and the Joint Policy Advisory Committee on Transportation (JPACT) to kick-off the scoping phase to begin building agreement on the overall approach for the RTP update prior to engaging other key stakeholders in the process.

In April and May, the discussions were expanded to include the Metro Policy Advisory Committee (MPAC), Metro Technical Advisory Committee (MTAC), Transportation Policy Advisory Committee (TPAC), the Regional Travel Options (RTO) Subcommittee of TPAC and the Bi-State Transportation Committee. In addition, on April 20, Metro Councilors, JPACT and other key stakeholders from the Portland metropolitan region attended a Regional Transportation Forum, building on the March policy discussions. Participants included elected officials, city and county staff, members of the Metro Committee for Citizen Involvement (MCCI) and representatives from the business, environmental, and transportation communities.

Key Issues for the Work Program

Three key issues emerged during the scoping phase discussions as most critical for the RTP update work program.

- **Issue 1:** The work program needs to have a strong educational component throughout the process to increase community and stakeholder awareness of the issues facing the region. Stakeholders have stressed the importance of providing fact-based information that is clear, visual and accessible.
- **Issue 2:** The updated RTP needs to more realistically take into account serious fiscal constraints facing the region and be based on tangible (e.g., measurable) outcomes in the context of the broader New Look planning effort. Stakeholders relayed their clear understanding that transportation funding in the region would be under serious fiscal constraints due to a wide variety of factors including reductions in Federal contributions to local transportation funding, and a resistance to raising tax revenue at the State and Local level. They also expressed support for considering funding options and using desired outcomes to identify and prioritize transportation investments that are crucial to the region's economy and that most effectively integrate the land use, economic, environmental and transportation objectives embodied in the 2040 Growth Concept.

¹ The team is led by Terry Moore of ECONorthwest, and includes staff from MIG, Kittelson and Associates as well as Steve Siegel and Bob Moore.

- **Issue 3:** Effective coordination and collaborative partnerships will be key for the success of the RTP update. This coordination and partnering needs to occur with the local, regional, state and federal agencies and jurisdictions (including Washington State and the upper Willamette Valley), and be expanded to include the local and regional business communities, environmental organizations, and other interest groups that have been traditionally under-represented. Building partnerships with agencies and jurisdictions and a broad array of business, environmental and other community-based organizations will help the outreach effort be more effective.

Staff and the ECONorthwest team prepared a discussion draft work program that addresses federal, state and regional policy and requirements, integrates with the overall New Look planning process, coordinates with development of the *Regional Freight and Goods Movement Plan* and the *Regional Transportation System Management and Operations Plan*, and responds to the key technical, policy and process issues identified during the Scoping Phase. The work program was released for review by Metro's standing committees and Federal Highway Administration (FHWA) Division Office staff and Federal Transit Administration (FTA) Regional Office staff from May 10 through May 24, 2006. MCCI reviewed the public participation plan component of the work program on June 7, 2006.

Refinements to the work program are recommended to address comments received during the review period and are described in **Attachment 1**. The recommended refinements are reflected in Exhibit A to Res. 06-6610 (For the Purpose of Approving A Work Program for the 2035 RTP Update). **Attachment 1** is divided into three sections:

- **Section 1** includes recommended refinements identified since May 10. The recommendations were approved by MTAC on May 17 and by "consensus of the members present" at MPAC on May 24.
- **Section 2** includes recommended refinements identified in consultation with Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) staff. These recommendations were not considered by MTAC or MPAC due to the timing of the consultation.
- **Section 3** includes recommended refinements identified during the TPAC discussion on May 26.

The 2035 RTP update technical and policy evaluation will inform, and be informed by, a larger process of stakeholder engagement and public decision-making. A summary of the project timeline, major tasks, products and outreach strategies is provided in **Attachment 2**.

RELATIONSHIP TO THE NEW LOOK REGIONAL PLANNING PROCESS

In 2005, the Metro Council initiated a project called the New Look at Regional Choices (the New Look) is a regional process to update Metro's long-range strategies and policies for managing growth. The process will focus primarily on updating the region's implementation tools to best support the region's vision for urban form, the economy, transportation, and the environment. At the end of 2006, the Metro Council will adopt updated policies and implementation strategies, which may include proposals for the 2007 Oregon Legislature and policy direction on transportation investment priorities to be integrated into the 2035 RTP. The RTP Update is simultaneously the transportation element of the New Look. Metro wants the region's land use and transportation policies work together to enhance the region's economic strength and livability.

RELATIONSHIP TO METRO-REGION PLAN FOR FREIGHT AND GOODS MOVEMENT

Metro will undertake a planning effort, in coordination with the update of the Regional Transportation Plan (RTP), which focuses specifically on the region's freight transportation system. To accomplish this work, Metro sought and was awarded a 2005-2007 Biennium Transportation & Growth Management

Grant to prepare a regional plan for freight and goods movement. A separate, but coordinated work program will be followed for this planning effort as described in **Attachment 3**.

The development of the *Regional Plan for Freight and Goods Movement* will be coordinated with technical and public participation elements of the broader Metro initiatives to evaluate implementation of the Region 2040 Growth Concept (*New Look*) and to update the region's transportation system plan (*2035 RTP Update*) to ensure a consistent planning approach. Relevant policy, project, and implementation strategy recommendations will be forwarded to the New Look and the 2035 RTP update process and decision-making framework.

SUMMARY OF THE TECHNICAL WORK AND POLICY DEVELOPMENT COMPONENT OF THE WORK PROGRAM

This section summarizes the major technical and policy development tasks to be completed during the 2035 RTP update.

- **Phase 1 (Scoping: February – June 2006):** This phase focused on engaging stakeholders, identifying issues to address and development of the 2035 RTP update work program.
- **Phase 2 (2040 Research and Policy Development: June – December 2006):** A significant portion of the Phase 2 research and policy development will focus on analyzing the transportation system conditions and trends (including financial trends and funding options) and identifying public priorities for transportation and willingness to pay for desired transportation services and programs. Analysis of land use and transportation policy scenarios will be conducted as part of the broader New Look effort. In addition, the Contractor will assist Metro with developing an outcomes-based evaluation framework (e.g., define outcomes and criteria) that will be used to evaluate the New Look scenarios and to identify, evaluate and prioritize critical transportation investments in Phase 3 of the RTP update. The Contractor will also assist Metro with updating the financially constrained revenue forecast and evaluating funding options. This work will culminate in preparation of a State of Transportation in the Region report and policy recommendations to be considered as part of the broader New Look effort and Phase 3 of the RTP update to refine the plan's the policy, infrastructure and system management projects and implementation strategies.
- **Phase 3 (System Development and Policy Analysis: January-September 2007):** The focus of this phase of the RTP update is to integrate the New Look policy direction and findings from the regional transportation system assessment to update the plan's policies and implementation strategies and prioritize the financially constrained system of transportation investments for the region. Metro will conduct a process to solicit infrastructure and demand and system management projects and programs, and MPAC, JPACT and the Metro Council will prioritize these investments to best support the 2040 Growth Concept and desired outcomes within the updated financially constrained revenue forecast defined in Phase 2. The transportation investments will be analyzed using the regional travel demand model and the outcomes-based framework defined in Phase 2. This phase marks the end of the technical and policy development work and will result in preparation of the discussion draft 2035 RTP that will be released for public review.
- **Phase 4 (Adoption Process: September-November 2007):** The focus of this phase is the 45-day public comment period and refining the plan based on this review. The primary activities of this phase are described in the stakeholder engagement and public participation component of the work program below. A final draft 2035 RTP will be approved by MPAC, JPACT and the Metro

Council in November 2007, pending air quality conformity analysis to be conducted during Phase 5.

- **Phase 5 (December 2007 – February 2008):** The work activities of this phase will focus on completing an air quality conformity determination to demonstrate the updated plan meetings federal and state air quality requirements. Findings of consistency with state and federal planning requirements will also be developed. The final 2035 RTP and findings will be submitted to FHWA and FTA for federal certification and the Department of Land Conservation and Development for post-acknowledgement review upon completion of the conformity determination.

The process leading to an adopted RTP, and the transportation investments it authorizes has been designed to provide good information (accurate, relevant, and understandable) about project and program performance (benefits and costs) in an open process that facilitates decisions about transportation investments that best advance the 2040 Growth Concept and are efficient and equitably serve the public.

SUMMARY OF STAKEHOLDER ENGAGEMENT AND PUBLIC PARTICIPATION COMPONENT OF THE WORK PROGRAM

The public participation plan is designed to meet regional, state and federal requirements for public participation and respond to the key issues raised during the scoping phase. This section describes the *stakeholder engagement and outreach* components that will inform development of an updated 2035 RTP plan, and support the decision-making role of the Metro Council, JPACT and MPAC and the participatory role of public agencies, targeted stakeholder groups and the general public.

Metro's targeted stakeholders and planning partners include the 25 cities, three counties and affected special districts of the region, Oregon Department of Transportation (ODOT), Oregon Department of Environmental Quality, Port of Portland, SMART, TriMet and other interested community, business and advocacy groups as well as state and federal regulatory officials and resource agencies. Metro also coordinates with the City of Vancouver, Clark County Washington, the Port of Vancouver, the Southwest Washington Regional Transportation Council (RTC), C-Tran, the Washington Department of Transportation, the Southwest Washington Air Pollution Control Authority and other Clark County governments on bi-state issues.

This broad spectrum of stakeholders is the primary focus of the public participation plan. A variety of methods for engaging this audience have been identified, including focused discussions at Regional Forums, Mayors'/Chair's Forums, stakeholder workshops, Metro Advisory Committees and established County Coordinating Committee's meetings, focus groups, technical workshops and other methods of communication and engagement as described below.

A second priority for outreach is the general public. The general public will be engaged and provided opportunities to give input throughout the planning process. A significant element of this portion of the work program is a public opinion survey that will be conducted in English and Spanish to solicit a statistically valid measure of public values and needs. In addition, Metro's website will host an interactive project website that will include an on-line survey and a budget scenario exercise/game survey. The project website will also be used to provide information about the update process, timeline with key decision points identified, fact sheets, newsletters and other pertinent information about the process. The transportation hotline will be updated to include a 2035 RTP update message program that includes timely information about key decision points and provides an option for leaving comments and requesting additional information. In addition, feedback will be solicited on specific plan elements during public comment periods, public hearings and as part of formal review processes. Opportunities to partner with

local governments, business and community groups and use public access television to broaden awareness of and participation by the general public in the 2035 RTP update will be identified throughout the process.

Media outreach is also a significant element of the participation plan with the intent of using earned mass media to provide information to the general public and key stakeholders throughout the process. As appropriate, briefings of reporters and editorial boards will be conducted, and press releases, media packets and civic journalism will be developed. Two newsletters will be developed at key decisions points. Fact sheets explaining components of the plan will be developed as needed. The newsletters and fact sheets will be distributed through Metro's website, at events and upon request. Summary reports documenting the results and findings of major tasks will also be developed and made available on Metro's website and meeting presentations.

Notices of key decisions will be distributed through community newspapers, electronic newsletters, the transportation hotline and the Metro website. A formal 45-day public comment period will be scheduled to coincide with release of a discussion draft RTP in September 2007. Comments will be collected through Metro's transportation hotline, website, US mail, fax and email during this period. Four public hearings will be scheduled prior to adoption of the plan package, where citizens may submit testimony for the public record in person, by US mail, fax, or email directly to the Metro Council. In addition, the RTP and its attendant Air Quality Conformity Analysis will be made available for a formal 30-day public review period before final adoption in February 2008.

A collaborative effort will be required between the consultant team, Metro Council, JPACT, and staff to ensure that the public participation plan is an effective tool for developing and creating a constructive, meaningful, and broad-based dialogue with the citizens and decision-makers of the Portland metropolitan region.

Successful outcomes of this ambitious RTP update process depend on the active participation of local, state and regional decision makers, other transportation providers, public agency staff, and other stakeholders that include the business community, community and environmental groups, and residents of the region. Generally, the outreach component will seek to inform, educate and gain input in a targeted fashion. The public participation plan relies on educational opportunities and innovative tools and forums/workshops that provide for adequate and effective, though focused public dialogue. With targeted input from stakeholders and the broader community, Metro and its regional partners will update the RTP to prioritize critical transportation investments to best support the desired economic, environmental, land use and transportation outcomes the New Look identifies and, as a result, better implement the 2040 Growth Concept vision.

The public participation plan builds responds to two key directives from Metro Council: (1) the questions for the public and stakeholders are not about the broad vision for growth and development in the Portland metropolitan region (that vision is articulated in the 2040 Growth Concept, and has been supported several times in various ways by local governments and the general public); rather, the questions are about implementation (what can the region do, in the context of the RTP, with transportation investments, to better achieve the 2040 Growth Concept vision); and (2) focus on elected and appointed representatives of public agencies and interest groups, not on broad-based outreach to the general public (though opportunities for public education, engagement and comment will be provided in a targeted manner).

Collectively, these outreach efforts and strategies will educate stakeholders and inform the technical and policy development work on community values, desired outcomes and transportation needs, investment priorities and implementation strategies. A final summary report containing a complete evaluation and

overview of the outreach effort, including a discussion of the successes and potential areas for improvement will be created at the end of the update process to inform future updates.

SUMMARY OF 2035 RTP UPDATE DECISION-MAKING FRAMEWORK

This section summarizes the decision-making framework that will be used during the process.

Metro's transportation planning activities are guided by a decision-making framework of consultation with and coordination among federal, state, regional and local government agencies, citizens and interest groups. Metro facilitates this consultation and coordination through four advisory committee bodies—the Joint Policy Advisory Committee on Transportation (JPACT), the Metro Policy Advisory Committee (MPAC), the Transportation Policy Alternatives Committee (TPAC) and the Metro Technical Advisory Committee (MTAC).

The 2035 RTP updating process will rely on this existing decision-making structure for development, review and adoption of the plan. MPAC, JPACT and the Metro Council will make recommendations at key decision points based on input from TPAC, MTAC, the Council-appointed Regional Freight Plan Task Force and the public participation process. SAFETEA-LU provisions also require additional consultation with state and federal resource agencies, and tribal groups not represented on Metro's existing committee structure. Opportunities for consultation with these groups will be identified in coordination with FHWA staff.

Finally, the *Regional Freight and Goods Movement Plan* element of the RTP update will also be guided by a Council-appointed 33-member Task Force and a Technical Advisory Committee (TAC).² Recommendations from the Regional Freight TAC will be forwarded to the Regional Freight and Goods Movement Plan Task Force. The Task Force will make its recommendations to TPAC, JPACT and the Metro Council. The recommendations will be forwarded to the 2035 Regional Transportation Plan process for adoption into the region's long-range transportation system plan.

SUMMARY OF 2035 RTP UPDATE CONTRACT SERVICES BUDGET

Resolution No. 05-3610A authorized \$184,000 for the use of contract services for the RTP update and execution of a two-step consulting service contract to develop a work scope for the RTP update, and perform the proposed tasks upon satisfactory completion of the scoping phase. This section describes the budget elements for the two-step contract.

- The original Phase 1 (Scoping) budget for contractor services was for \$35,000 for the scoping phase for the period from February 17 through May 31, 2006. Contract Amendment #1 was approved by ODOT on April 27, 2006 to include an additional budget of \$25,000 for New Look June Regional Forum related-contract services. This amendment was funded through the New Look work program contract services budget for fiscal year 2005-06.
- The cost of Contract services for Phase 1 increased in order better to support development of a detailed work program. Metro staff negotiated providing an additional \$15,000 to the Phase 1

² The Regional Freight and Goods Movement Task Force will be comprised of 33 members from the community, private and public sectors, representing the many elements of the multimodal freight transportation system and community perspectives on freight. The Freight Technical Advisory Committee (TAC) will be comprised of public sector staff from the local, regional, and state agencies operating within Metro's jurisdictional boundaries. The TAC will provide input and review of technical work products.

budget to compensate the Contractor for the cost of increased services. This requires an amendment to the existing Contract No. 926975 for this amount.

- Additional ECONorthwest team contract services are summarized in the 2035 RTP Update Work Program (see Exhibit A to Resolution 06-3661). The corresponding budget for this contract is for work from June 1, 2006 through June 30, 2007, as described below. The estimated budget for contract services is \$215,000 for the stakeholder engagement elements of the work program and \$120,000 for technical work and policy development assistance as described in the work program for a total of \$335,000. This includes an additional \$25,000 for New Look December Regional Forum related contract services.

The corresponding budget for all contract services for the period from February 17, 2006 to June 30, 2007 is summarized in Table 1.

Table 1. 2035 RTP Update Contract Services Budget Summary for February 17, 2006 – June 30, 2007) for Metro Contract No. 926975 (ODOT Contract No. 25391)

| Phase 1 (Feb. 17– May 30, 2006) | | | | Total |
|---|--|----------|-----------|-----------|
| Task 1: Project Management | | | | \$2,813 |
| Task 1.2: Develop 2035 RTP Work Program and Public Participation Plan | | | | \$32,187 |
| Subtotal Phase 1 | | | | \$35,000 |
| Contract Amendment #1 (Amendment signed by Metro on April 20, 2006 and ODOT on April 27, 2006) | | | | |
| Contract Amendment #1 | | | | |
| New Look June Regional Forum | | | | \$25,000 |
| Subtotal Contract Amendment #1 | | | | \$25,000 |
| Subtotal Phase 1 and Contract Amendment #1 | | | | \$60,000 |
| Phase 2 (June 1 – Dec. 30, 2006) | | Outreach | Technical | Total |
| Technical Analysis Plan (TAP) | | | | |
| Task 1: Data review and collection | | | \$5,000 | \$5,000 |
| Task 2: Develop outcomes-based framework | | | \$29,000 | \$29,000 |
| Task 3: Identify public priorities and desired outcomes for transportation | | | \$5,000 | \$5,000 |
| Task 4: Financial Analysis | | | \$42,000 | \$42,000 |
| Task 5: Land Use/Transportation Scenario Analysis | | | \$10,000 | \$10,000 |
| Task 6: 2035 Base Case Travel Forecasting Analysis | | | \$4,000 | \$4,000 |
| Task 7: Economics/Demographics Analysis | | | \$4,000 | \$4,000 |
| Task 8: Environmental Analysis | | | \$1,000 | \$1,000 |
| Task 9: Transportation System Conditions Analysis | | | \$2,000 | \$2,000 |
| Task 10: Systems Assessment | | | \$4,000 | \$4,000 |
| Subtotal TAP | | | \$106,000 | \$106,000 |
| Public Participation Plan (PPP) | | | | |
| New Look Regional Forums (Component 1) | | \$35,000 | | \$35,000 |

| | | | |
|---|------------------|------------------|------------------|
| Opinion Survey (<i>Component 1</i>) | \$25,000 | | \$25,000 |
| Focus Groups (<i>Component 1</i>) | \$10,000 | | \$10,000 |
| Stakeholder Workshops (<i>Component 1</i>) | \$10,000 | | \$10,000 |
| Web Based Outreach (<i>Component 1</i>) | \$15,000 | | \$15,000 |
| Agency/Jurisdictional Outreach (<i>Component 2</i>) | \$12,000 | | \$12,000 |
| Outreach Toolkit (<i>Component 2</i>) | \$20,000 | | \$20,000 |
| Project Management | \$10,000 | | \$10,000 |
| <i>Subtotal PPP</i> | <i>\$137,000</i> | | <i>\$137,000</i> |
| <i>Subtotal Phase 2</i> <i>(June 1 – Dec. 30, 2006)</i> | <i>\$137,000</i> | <i>\$106,000</i> | <i>\$243,000</i> |
| Phase 3 (Jan. 1 – June 30, 2007) | Outreach | Technical | Total |
| <u>Technical Analysis Plan (TAP)</u> | | | |
| Task 1: Policy Development | | \$2,000 | \$2,000 |
| Task 2: Outcomes-based Transportation Solutions Identification and Prioritization | | \$3,000 | \$3,000 |
| Task 3: System Development and Analysis | | \$3,000 | \$3,000 |
| Task 4: Implementation Strategies | | \$3,000 | \$3,000 |
| Task 5: Develop Discussion Draft RTP | | \$3,000 | \$3,000 |
| <i>Subtotal TAP</i> | | <i>\$14,000</i> | <i>\$14,000</i> |
| <u>Public Participation Plan (PPP)</u> | | | |
| Focus Groups (<i>Component 1</i>) | \$10,000 | | \$10,000 |
| Stakeholder Workshops (<i>Component 2</i>) | \$10,000 | | \$10,000 |
| Web Based Outreach (<i>Component 1</i>) | \$15,000 | | \$15,000 |
| Agency/Jurisdictional Outreach (<i>Component 2</i>) | \$12,000 | | \$12,000 |
| Technical Workshops (<i>Component 2</i>) | \$25,000 | | \$25,000 |
| Project Management | \$6,000 | | \$6,000 |
| <i>Subtotal PPP</i> | <i>\$78,000</i> | | <i>\$78,000</i> |
| <i>Subtotal Phase 3</i> <i>(Jan. 1 – June 30, 2007)</i> | <i>\$78,000</i> | <i>\$14,000</i> | <i>\$92,000</i> |
| CONTRACT No. 92675 BUDGET SUMMARY | | | |
| Phase 1 and Contract Amendment #1 for the period from Feb. 17 through May 30, 2006 | | | \$60,000 |
| Phase 1 Cost Increase (see Table note #1) | | | \$15,000 |
| Phases 2 and 3 (Contract Amendment #2) for the period from June 1, 2006 – June 30, 2007 | \$215,000 | \$120,000 | \$335,000 |
| Contract No. 926975 Total from Feb. 17, 2006 – June 30, 2007 (see Table note #2) | | | \$410,000 |

Table notes:

1. Metro staff negotiated providing an additional \$15,000 to the Phase 1 budget to compensate the Contractor for the cost of increased services.
2. Budget for this contract is for work from Feb. 17, 2006 through June 30, 2007. Work after that period will be from funds from the fiscal year starting July 1, 2007 through June 30, 2008. Contractor tasks and budget to be determined through a supplemental contract amendment.

The estimated budget of \$350,000 (\$15,000 for Phase 1 increased costs and \$335,000 for Phases 2 and 3) exceeds the Phase 2 amount of \$125,000 authorized by Res. 05-3610A. However, the current fiscal year 2005-06 and proposed fiscal year 2006-07 planning department budget for RTP update contract services is adequate to fund the Contract services budget for both Phase 1 and Phase 2/3 of Contract No. 926975. The New Look work program budget for contract services for fiscal year 2005-06 and proposed fiscal year 2006-07 is adequate to fund the two New Look Regional Forums contained within the respective Contract Amendment #1 and Contract Amendment #2 budgets.

Table 2 summarizes the corresponding revenue sources for the Consultant contract portion of the 2035 RTP Update work program for the period from February 17, 2006 – June 30, 2007.

Table 2. Contract No. 92675 Revenue Budget Summary for February 17, 2006 – June 30, 2007) for Metro Contract No. 926975 (ODOT Contract No. 25391)

| | Metro General Fund | Metro Transportation Grants | Total |
|--|---------------------------|------------------------------------|------------------|
| Phase 1 | \$22,500 | \$12,500 | \$35,000 |
| Contract Amendment #1 | \$25,000 | \$0 | \$25,000 |
| Contract Amendment #2 (Phase 1 cost increase) | \$0 | \$15,000 | \$15,000 |
| Phases 2 and 3 (Contract Amendment #2) | \$36,500 | \$298,500 | \$335,000 |
| Total | \$84,000 | \$326,000 | \$410,000 |

Work program contractor services identified to occur after that period will be from funds from the fiscal year starting July 1, 2007 through June 30, 2008. Contractor tasks and budget will be determined through a supplemental contract amendment.

ANALYSIS/INFORMATION

1. Known Opposition – No known opposition.
2. Legal Antecedents - On September, 22, 2006, the Metro Council initiated an update to the regional transportation plan with approval of Resolution #05-3610A (For the Purpose of Issuing a Request for Proposals to Develop a Work Scope for an Expanded 2005-08 Regional Transportation Plan Update that Incorporates the “Budgeting for Outcomes” Approach to Establishing Regional Transportation Priorities). The RTP update fulfills both state and federal transportation planning requirements. The 2035 update will result in continued compliance with federal regulations that require the RTP to be updated at least every four years, and state regulations that require the RTP to be updated every 5 to 7 years.
3. Anticipated Effects – This resolution approves the 2035 RTP Update work program and authorizes the Chief Operating Officer to amend Metro Contract No. 926975, Amendment #2, for additional time, budget and scope for consulting services identified in Exhibit A, for the period from February 17, 2006 to June 30, 2007, not-to-exceed \$410,000, including a transfer of \$15,000 from the Phase 2 budget to compensate the Contractor for Phase 1 cost increases.
4. Budget Impacts - None. The current fiscal year 2005-2006 and proposed fiscal year 2006-2007 planning department budget for RTP Update contract services and New Look contract services is

adequate to fund the estimated Contract budget, not-to-exceed \$410,000 without additional Council approval.

RECOMMENDED ACTION

Staff recommends approval of Resolution No. 06-3661.

ATTACHMENT 1 to Staff Report to Resolution No. 06-3661

Section 1 Summary of Recommended Work Program Changes

Section 1 summarizes proposed work program changes identified between May 10 and May 26, the source of the proposed change and recommendations for how to address the proposed changes.

Opportunities for input on the overall RTP update approach and discussion draft work program were provided to the following committees: MPAC on May 10, JPACT on May 11, RTO Subcommittee on May 11, a joint TPAC/MTAC workshop on May 15 and the Bi-State Transportation Committee on May 18. The recommendations were approved by MTAC on May 17 and approved by “consensus of the members present” at MPAC on May 24. TPAC approved the recommendations on May 26.

Comment 1: MPAC should be more of a partner with JPACT in this RTP update. (MPAC, 5/10/06)

Recommendation: Agree. MPAC plays a significant role in this update – because of the link to the New Look, but also because adoption of the RTP is also considered a land use action under state law – it represents the transportation system plan for the region. The current draft work program identifies significant opportunities to foster this partnership throughout the process on key work program elements, such as development of an outcomes-based evaluation framework, identification of desired (and measurable) outcomes, development of land use/transportation scenarios and prioritizing transportation investments to best meet desired outcomes within fiscal constraints. Opportunities to hold Joint TPAC/MTAC workshops and possibly joint JPACT/MPAC meetings will be identified as the work program is implemented.

Comment 2: The work program should clarify how differences between MPAC and JPACT recommendations will be reconciled. (MTAC, 5/17/06)

Recommendation: Agree. The current draft work program identifies technical and policy development tasks and products for which MPAC will make formal recommendations to JPACT through TPAC – this is listed under the “Responsibilities” section for each task of the work program. Examples include development of an outcomes-based evaluation framework, identification of desired (and measurable) outcomes, development of land use/transportation scenarios and prioritizing transportation investments to best meet desired outcomes within fiscal constraints. The work program has been designed to build consensus on these items as part of the process. In the event that differences occur, joint MPAC/JPACT meetings will be held to discuss and reconcile differences on these and other critical policy issues. The work program will be revised to clarify this element of the decision-making structure of the process.

Comment 3: Incorporation of local transportation system plans (TSPs) needs to be emphasized in research and outreach efforts. The work program should be expanded to include an analysis of how local transportation system plans and capital improvement plans are implementing 2040 to identify how well 2040 is being implemented locally from a transportation perspective. This information could be used to highlight conflicts with 2040 and/or between local and regional plans. (MTAC, 5/17/06)

Recommendation: Agree. The current draft work program addresses these issues. Currently, the RTP incorporates local TSPs by including locally identified projects of regional significance that are consistent with regional policies and system designations. Consequently, the 2035 Base Case analysis of land use and transportation include both the RTP and local TSPs. As we assess the effectiveness of the base case and compare it to what outcomes the region wants to accomplish, the region will need to make some

tough choices about what set of transportation investments and strategies we need to make at the regional and local level.

The Phase 2 research and analysis (particularly Tasks 4, 6, 7, 9 and 10) will inform those policy choices in the context of the broader New Look effort. Current RTP projects may be modified and new locally identified projects may be added to the RTP subject to the process described in the work program. Phase 3 of the RTP update includes a project solicitation process for projects to be forwarded to the RTP for consideration that best meet desired outcomes and New Look policy direction, and fall within the updated financially constrained revenue forecast developed during Phase 2. The system performance of projects included in an updated RTP Financially Constrained System will be conducted during Phase 3 after the project solicitation process to assess how well the updated plan meets the outcomes the region wants to accomplish.

Outreach for all of these elements will be conducted in partnership with public agencies and other key stakeholder groups with an emphasis on improving community awareness and understanding of the region's transportation needs and funding issues in the context of the broader New Look effort. A significant element of the research in Phase 2 is to identify desired outcomes and public priorities for transportation, and the public's willingness to pay for those outcomes and priorities. This will inform the outcomes and policy choices MPAC, JPACT and the Metro Council recommend.

Comment 4: The outreach strategies should be expanded to include a web blog for the RTP update. (MPAC, 5/10/06)

Recommendation: No change recommended. While this is an innovative approach for gathering public input, the draft public participation plan is intended to be targeted, yet representational throughout the update process. The relatively compact timeline and current staffing resources do not allow for meaningfully monitoring, compiling and reporting out more free-form input that would be provided through a web blog. The draft work program includes other web-based outreach strategies as well as focus groups, targeted workshops and other means that will be used to gather input throughout the process.

Comment 5: Revise the description of the various components of the public participation plan to clarify that Metro will conduct outreach in partnership with local governments. (Joint MTAC/TPAC Workshop, 5/15/06)

Recommendation: Agree. The public participation plan will be modified to make this clarification.

Comment 6: Expand the public participation plan to provide additional targeted workshops and to build new partnerships in the community with both the private sector and non-profits. This update should be an opportunity to meaningfully connect with groups that traditionally have not been part of previous RTP update processes, including users of the system, not just the providers. (Joint MTAC/TPAC Workshop, 5/15/06)

Recommendation: No change recommended. The draft public participation plan has been designed to be targeted, yet representational to include a broad spectrum of interests, including users of the system and groups that have been traditionally underrepresented in previous RTP updates. The draft plan includes 5 targeted (stakeholder) workshops, 5 focus groups, 6 agency/jurisdictional outreach meetings and 5 technical workshops (called technical topic and interest area collaboration and coordination). At a broad level, the purpose of these meetings is to provide input on the technical and policy development work before and after it is completed. With the exception of the agency/jurisdictional outreach meetings – the

remaining meetings will be specifically designed to include users of the system and groups that have been traditionally underrepresented. The draft participation plan fits within an estimated budget for this element of the update. In order to add more targeted workshops, or other outreach elements, a reduction in other outreach strategies will need to be identified. There is some flexibility to shift the number of targeted workshops, focus groups and technical team workshops (e.g., have 4 focus groups instead of 5 in order to add one more targeted workshop). This will be addressed as the work program is implemented to most effectively gather and use input to guide the technical work and policy development within the current estimated budget.

Comment 7: Create a sideboards document that describes the federal, state and regional legal requirements for the RTP update that will be referenced throughout the process. Requirements to be described include: SAFEATEA-LU, Oregon Transportation Plan, Transportation Planning Rule and the Oregon Highway Plan. (TPAC/MTAC workshop, 5/15/06)

Recommendation: Agree. A regulatory review memo has been prepared during the scoping phase that summarizes recent plans and regulatory changes with implications for the update to the Regional Transportation Plan. The memo will be modified as necessary to serve as this sideboard document, including integration of recent federal guidance on integrating the National Environmental Policy Act (NEPA) into system planning.

Comment 8: A base year of 2005 should be used for the background and research in Phase 2 of the update. The region changed significantly between 2000 and 2005, and if more recent information is available it should be used. (RTO Subcommittee, 5/11/06 and TPAC/MTAC Workshop, 5/15/06)

Recommendation: Agree, if more recent data is available. For modeling purposes, a base year of 2005 will be used for comparison with the 2035 Base Case during Phase 2 and RTP systems developed during Phase 3. More recent data will also be used, if readily available, for the system conditions analysis and assessment during Phase 2 (Tasks 7 – 10).

SECTION 2. SUMMARY OF SUPPLEMENTAL RECOMMENDED WORK PROGRAM CHANGES

This section summarizes supplemental recommended work program changes identified since May 10 in consultation with FHWA and FTA staff. These recommended refinements were not considered by MTAC or MPAC due to the timing of the consultation. TPAC approved the recommendations on May 26.

Comment 1: Important for bicycle and pedestrian system analysis, and updated bike and pedestrian related policies, projects and implementation strategies to emphasize access to transit. (FHWA/FTA consultation, 5/17/06)

Recommendation: Agree. The work program will be revised to call out this emphasis.

Comment 2: Include consultation of Federal and state wildlife, land management and regulatory/resource agencies during the process to ensure adequate consideration of environmental impacts at a transportation system planning level of analysis. (FHWA/FTA consultation, 5/17/06)

Recommendation: Agree. The work program will be revised to include consultation with the Collaborative Environmental and Transportation Agreement for Streamlining (CETAS) group. CETAS includes state and federal resource agencies, including FHWA, National Marine Fisheries, ODOT, DLCD, ODEQ, Oregon Department of Fish and Wildlife, State Historic Preservation Office, Oregon Division of State Lands, Oregon Parks and Recreation, U.S. Army Corp of Engineers, U.S. Environmental Protection Agency and U.S. Fish and Wildlife Service.

Comment 3: Expand list of environmental considerations in Phase 2, Task 8 to include (when available): likely archeologically-sensitive areas, conservation opportunity area maps, State sensitive species lists, maps of previous mitigation sites, existing mitigation banks and service areas, potential ODOT mitigation banks and service areas, water quality limited bodies and recovery and conservation plans. (FHWA/FTA consultation, 5/17/06)

Recommendation: Agree. The work program will be revised to add these additional considerations.

Comment 4: Expand transportation system analysis description to call out need to conduct environmental analysis at a system-level to be determined in consultation with Federal Highway Administration and Federal Transit Administration staff to ensure adequate consideration of the National Environmental Policy Act (NEPA) in transportation system planning. (FHWA/FTA consultation, 5/17/06)

Recommendation: Agree. The work program will be revised to add these additional considerations to Task 3.2 (Phase 3).

Comment 5: Ensure 2035 RTP update addresses the findings and recommendations of the Public Transit-Human Services Transportation Plan currently underway, including activities and projects to support low-income access to jobs and elderly and disabled access to transit. (FHWA/FTA consultation, 5/17/06)

Recommendation: Agree. The work program will be refined to add a new Task 9.6 in Phase 2 to document recommendations from the update of the Tri-County Elderly and Disabled Transportation Plan (EDTP) and how the recommendations will be coordinated with and implemented through the 2035 RTP. The findings and recommendations of the EDTP will be considered during Phase 3 of the RTP update as part of the project solicitation process and development of implementation strategies.

SECTION 3. SUMMARY OF TPAC SUPPLEMENTAL RECOMMENDED WORK PROGRAM CHANGES

This section summarizes supplemental recommended work program changes identified during the TPAC discussion on May 26. These recommended refinements were not considered by MTAC or MPAC due to the timing of the discussion. TPAC approved the recommendations on May 26.

Comment 1: It is important for the focus groups, stakeholder workshops and technical workshops to engage stakeholders not traditionally represented or who have not traditionally participated in previous updates to the RTP. In addition, new approaches should be considered to educate and engage the general public on the transportation issues facing the region (e.g., use public access channels and partner with local governments and other stakeholders such as the Bicycle Transportation Alliance, AAA, business groups and others when appropriate to host workshops, provide RTP update information and provide weblinks from their websites to the RTP update project website). (TPAC, 5/26/06)

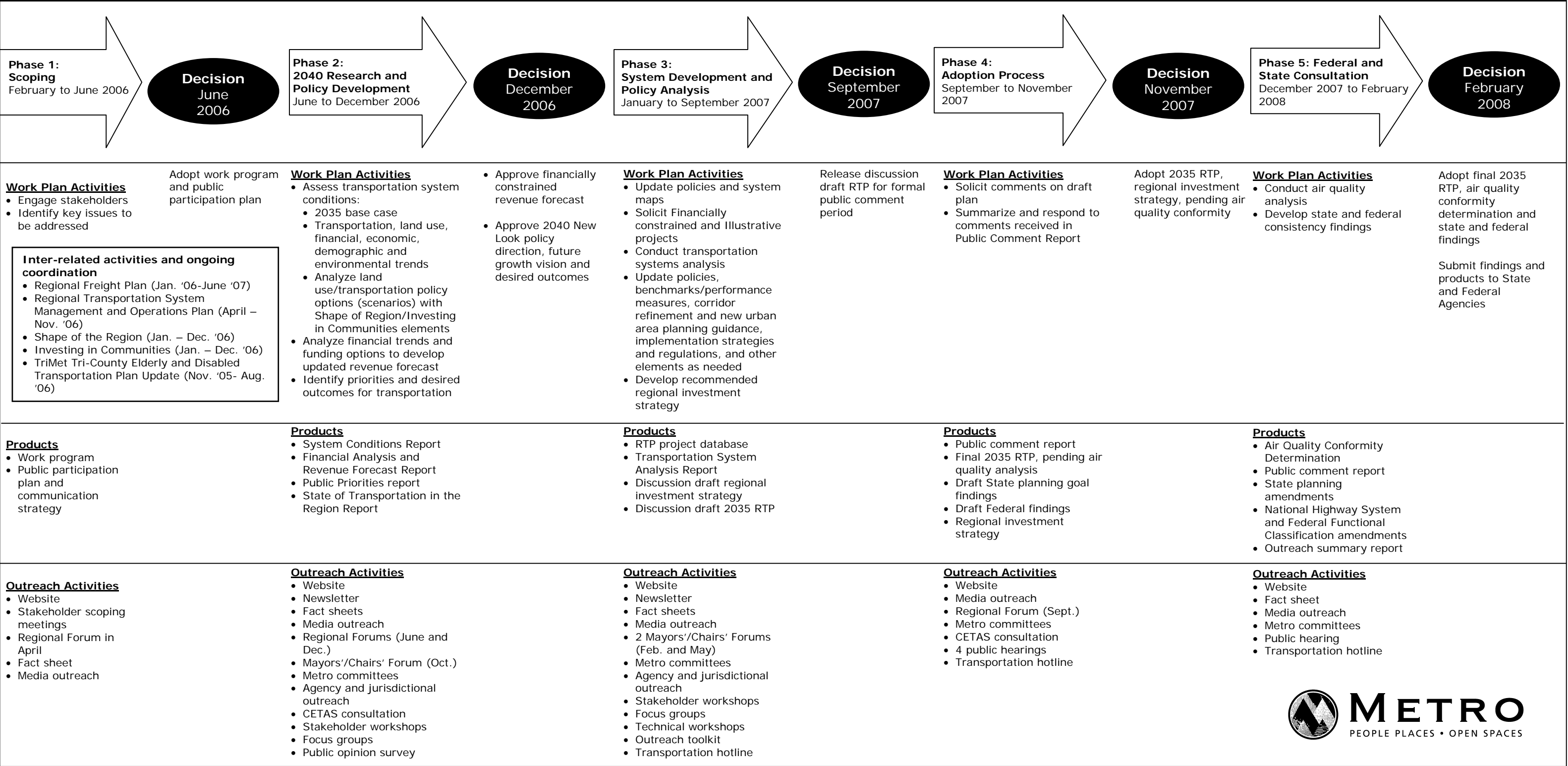
Recommendation: Agree. The work program will be revised to call out these strategies to be considered as the Public Participation Plan is implemented.

Comment 2: Add a task to the work program to facilitate a policy discussion on what constitutes the regional transportation system to be addressed during the RTP update and in the context of the outcomes-based planning approach. (TPAC, 5/26/06)

Recommendation: Agree. The work program will be revised to add this task.

2035 Regional Transportation Plan
A New Look at Transportation

Updating the metro region's long-range transportation plan



Attachment 3 to Staff Report for Resolution No. 06-3661



Regional Freight and Goods Movement Plan

Scope of Work

BACKGROUND

General Description of Project Area

The project area encompasses the urban portions of Clackamas, Multnomah, and Washington counties and the 25 cities that lie within Metro's jurisdictional boundaries. For the purposes of planning analysis and coordination, this project will also look at urbanized Clark County. The region is the major hub for freight-related activities in Oregon and Southwest Washington and includes an interconnected network of highways, railways, waterways, runways, and pipelines that comprise the regional freight system. Additionally, the region is home to publicly- and privately-owned marine and air terminals, intermodal yards, and warehouse/distribution facilities.

Definitions

JPACT – Joint Policy Advisory Committee on Transportation

NHS – National Highway System

OFAC – Oregon Freight Advisory Committee

OHP – Oregon Highway Plan

OTP – Oregon Transportation Plan

PMT – Project Management Team

RFP – Regional Framework Plan

RSIA – Regionally Significant Industrial Areas

RTP – Regional Transportation Plan

TAC – Technical Advisory Committee

TAZ – Traffic Analysis Zone

TDM – Transportation Demand Management

TPAC – Transportation Policy Alternatives Committee

TPR – Transportation Planning Rule

TSP – Transportation System Plan

WOC – Work Order Contract

WOCPM – Work Order Contract Project Manager

Project Cooperation

This statement of work describes the responsibilities of the entities involved in this cooperative Project. In this Work Order Contract (WOC) the **Consultant** shall only be responsible for those deliverables assigned to the Consultant. All work assigned to other entities are not Consultant's obligations under this WOC, but shall be obtained by Agency through separate intergovernmental agreements which contain a statement of work that is the same as or similar to this statement of work. The obligations of entities in this statement of work other than the Consultant are merely stated for informational purposes and are in no way binding, nor are the

named entities parties to this WOC. Any tasks or deliverables assigned to a sub-Consultant shall be construed as being the responsibility of the Consultant.

Any Consultant tasks or deliverables which are contingent upon receiving information, resources, assistance, or cooperation in any way from another entity as described in this statement of work shall be subject to the following guidelines:

1. At the first sign of non-cooperation, the Consultant shall provide written notice (email acceptable) to Oregon Department of Transportation (Agency) Work Order Contract Project Manager (WOCPM) of any deliverables that may be delayed due to lack of cooperation by other entities referenced in this statement of work.
2. WOCPM shall contact the non-cooperative entity or entities to discuss the matter and attempt to correct the problem and expedite items determined to be delaying the Consultant.

If Consultant has followed the notification process described in item 1, and Agency finds that delinquency of any deliverable is a result of the failure of other referenced entities to provide information, resources, assistance, or cooperation, as described in this statement of work, the Consultant will not be found in breach of contract. The Agency Contract Administrator will negotiate with Consultant in the best interest of the State, and may amend the delivery schedule to allow for delinquencies beyond the control of the Consultant.

Issues Statement

The regional transportation system facilitates the movement of both people and goods. Like the passenger component, the regional freight system comprises multiple modal networks that both compete with and complement one another in the goal of moving things from origin to destination. This project will focus on understanding how the metro-region's freight system functions and addressing its specific needs and impacts.

The region's Commodity Flow Forecast estimates that the amount of freight moved on the system (measured in tons) will double by 2030 in the Portland metropolitan region.¹ Increasing population and significant trends in the logistics and distribution sector, such as the growth of intermodal shipping, just-in-time delivery, and e-commerce, have changed how goods move and have put pressure on the performance of the freight system. Customer demands for quicker and cheaper movement of freight and goods mean system efficiency is paramount for businesses to remain competitive. These trends are driving the growth in freight movement and have real implications for how the region invests in and manages the transportation network and community livability.

The issues surrounding freight and goods movement can be generally catalogued under the heading of network, economic development, and livability. The network-related issues include growth-driven capacity constraints – particularly for the region's roadways, railways, and pipelines – that lead to congestion. Beyond network congestion, there are geometric limitations

¹ *Commodity Flow Forecast Update and Lower Columbia River Cargo Forecast – Update*, Port of Portland, 2002.

and barriers that can impact the ability to efficiently and/or safely move goods by road, or rail or marine vessel in key corridors.

The prospect of increasing freight demand will likely exacerbate friction over the environmental and community livability impacts that are often a byproduct of the business of moving freight and goods. Communities have raised concerns about impacts such as air and water quality; safety and security; noise and vibration; and vehicle operations in mixed use environments that can have negative consequences for livability.

The efficient movement of freight and delivery of goods and services is a key element to keeping the economies of the Portland metropolitan region and the State of Oregon healthy. Due to geographic advantages and decades of infrastructure investment, the regional economy is highly dependent on transportation in comparison with other regions across the country. The distribution and logistics employment accounts for 12% or 1 in 8.33 jobs in the region.² Businesses, large and small, depend on the region's freight system to ship and receive items needed for their operations, from raw materials to finished products. Every day, residents rely on the goods and services delivered to them by an increasingly complex supply chain connected by the transportation network.

With escalating demand from freight movement on regional transportation infrastructure and limited public and private transportation funding, a regional plan for freight movement is needed to address the issues and impacts associated with rising demand and strategically target investment toward appropriate and cost effective solutions.

Transportation Relationship and Benefits

Metro is conducting a planning process that will specifically focus on how the transportation system is used to move freight and deliver goods and services in the Portland metropolitan region. Project will:

- Ascertain what outcomes the public expects from investment in the regional freight system and develop measures to track progress.
- Provide a common base of knowledge about the various elements of the regional freight system.
- Identify issues, needs, and deficiencies in the regional freight system and develop recommended solutions and strategies to address them.
- Plan a multimodal regional network that meets the needs for freight and goods movement in and between 2040 Centers, industrial sites/districts, the national and regional highways system, and intermodal and terminal facilities.
- Identify and prioritize multi-modal freight improvement projects throughout the region that respond to the desired outcomes for the freight transportation system and are consistent with the available financial resources.
- Support regional and state efforts to enhance economic development opportunities through targeted infrastructure investment.

² Oregon Employment Department, Covered Employment and Wages, 3rd Quarter 2004

- Incorporate truck operation needs into regional street design guidelines, particularly in mixed-use centers and corridors.

Federal, State, and Regional Context

The *Metro-Region Plan for Freight and Goods Movement* will assist Metro in meeting its responsibility to plan for goods movement needs, document freight project priorities, and support community livability within the region. The planning effort will be conducted within the context of guiding federal, state, and regional transportation and land use policy.

At the federal level, recently adopted *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users* (SAFETEA-LU) requires Metro to meet eight planning factors focused on:

- Improving transportation safety
- Enhancing security
- Preserving the existing transportation system
- Supporting economic vitality
- Connecting people, freight, and modes
- Increasing system management and operations
- Minimizing environmental impacts
- Increasing mobility and accessibility

The state of Oregon's Statewide Planning Goal 12, Transportation, and the implementing administrative rule, OAR 660, Division 12, known as the Transportation Planning Rule (TPR), provide a further layer of policy guidance. Goal 12 lists implementing directives including consideration of all modes of transportation (including the various freight modes); identification of needs; avoidance of single mode reliance; minimization of adverse impacts; energy conservation; meeting needs of transportation disadvantaged; strengthening the economy by facilitating the flow of goods and services; and conformity with land use plans. TPR is the road map for the preparation of transportation system plans (TSP) by all jurisdictions responsible for transportation planning. TSPs prepared at the state, regional and local level are required to identify the needs for movement of goods and services to support economic development, and to plan for roads, air, rail, water, and pipeline transportation to meet the identified needs. TPR also establishes mandates for linking transportation planning with land use, dictating that TSPs identify needs for movement of goods and services to support planned industrial and commercial development.

The Oregon Transportation Plan (OTP) and the Oregon Highway Plan (OHP) are the long-range plans for the state's transportation and highway system, respectively. The OTP provides policy guidance, investment strategies, and key initiatives for the full array of the state's freight infrastructure including aviation, pipelines, ports, rails, and roads. Policy 3.1, An Integrated and Efficient Freight System, directs the state to "promote an integrated and efficient freight system involving air, barges, pipelines, rail, ships and trucks to provide Oregon a competitive advantage by moving goods faster and more reliably."

OHP identifies policies and investment strategies for the state's highway system. Policy 1C, State Highway Freight System, identifies a network of roads that ensure the mobility of freight movement. Policy 4A addresses the need to balance efficient movement of freight with the needs of other users and the local communities the freight routes serve. The policies and strategies of both the OTP and the OHP will provide the foundation for addressing freight issues in the regional freight plan.

At the regional level, the 2040 Growth Concept identifies the importance of industrial activity to the region by establishing Regionally Significant Industrial Areas (RSIA) as a priority land use. The Regional Framework Plan (RFP) and the Regional Transportation Plan (RTP) identify policies to ensure the efficient movement of freight to RSIA's and Industrial districts. The RTP further identifies project priorities to support movement of goods within the region.

This project is timely as the Metro Council initiated an effort to re-examine how the region should implement the 2040 Growth Concept. This effort, referred to as the "*New Look*" is the umbrella effort that will identify what policies, tools, and strategies are needed to achieve the region's long-range vision to build vibrant and healthy communities.

A parallel and coordinated effort is a comprehensive update of the RTP. Metro's effort to study and plan for freight and goods movement will be highly coordinated with and benefit from these two larger planning initiatives. This project's recommendations will be adopted with the 2035 Regional Transportation Plan. Adoption of the 2035 RTP is anticipated for November 2007.

PROJECT OBJECTIVES

The following project objectives direct the development of the Regional Freight and Goods Movement Plan and provide measures for gauging the successful completion of the planning process. Project will:

- ❑ Develop a set of desired outcomes for managing and improving the regional freight system.
- ❑ Describe the issues and needs for multimodal freight movement (truck, rail, water, air, pipeline) and commercial delivery of goods.
- ❑ Assess and refine current regional transportation policies pertaining to freight and goods movement.
- ❑ Assess and refine current regional freight functional classification system and identify recommended revisions to the federal National Highway System.
- ❑ Identify and prioritize infrastructure and system management improvements for all freight modes that meet the desired outcomes.
- ❑ Evaluate truck movement characteristics and needs and recommended updates to existing Regional Street Design policies and guidelines.
- ❑ Develop implementation strategies including performance measures, environmental and community impact mitigation measures, and follow-up actions.
- ❑ Integrate with parallel efforts to update the Region 2040 Growth Concept and the Regional Transportation Plan.

- ❑ Actively engage freight system providers and users, public agencies, and general public in plan development.
- ❑ Improve community awareness and understanding of freight and goods movement needs and issues.
- ❑ Comply with Oregon's Statewide Planning Goals 9 - Economic Development and 12 – Transportation, TPR, OTP, and Oregon Highway Plan directives to provide for the needs of goods movement to benefit economic vitality.
- ❑ Provide recommendations that update the freight elements of the RTP including transportation policies, regional freight classification system, infrastructure improvements, street design guidelines, and implementation strategies.

APPROACH

The development of the *Regional Freight and Goods Movement Plan* will be concurrent with broader Metro initiatives to re-evaluate implementation of the regional growth concept (*New Look*) and update the region's transportation system plan (*2035 RTP*). Metro is coordinating both the technical and public participation elements of these three planning efforts to ensure a consistent planning approach.

Metro will employ a *Budgeting for Outcomes*³ approach to determine investment priorities in all three planning initiatives. The basic tenets of the concept dictate that citizens have an upper limit on the amount they are willing to pay for government services and the public sector needs to adopt a results-based approach to the allocation of limited resources. The concept prescribes a methodology for arriving at the desired results. As part of the 2035 RTP update, Metro will customize the *Budgeting for Outcomes* concept for the purpose of establishing regional transportation priorities. This project will be coordinated with the approach determined for the 2035 RTP, particularly for the public participation and project selection elements.

With regard to building on the good work of others, significant focus on regional freight issues in the past several years have yielded information that will greatly benefit the effort to develop a comprehensive regional freight plan. Notable sources that serve as a springboard for this plan are:

- *Commodity Flow Forecast Update and Lower Columbia River Cargo Forecast (2002)* – The report documents freight flows out to 2030 for the metropolitan region. The forecast provides extensive information about regional commodity flow trends for all freight modes. Metro relies on this data to inform its Regional Truck Model.
- *Regional Freight Data Collection Project* – A multi-jurisdictional project to collect data about the movement of freight on the region's road network. The project is collecting vehicle classification counts to better calibrate Metro's Regional Truck Model; conducting roadside surveys in key regional corridors to obtain origin-destination and routing information; obtaining electronic origin-destination/route data from volunteer businesses; and linking data collection results with existing sources to refine truck and

³ David Osborne and Peter Hutchinson, *The Price of Government: Getting the Results We Need in an Age of Permanent Fiscal Crisis*, 2004. For more information on *Budgeting for Outcomes*, see the Public Strategies Group website at www.psg.us.

commodity flow information. Data collection is underway with results becoming available early 2006. This data is pivotal to the refinement of Metro's current truck model, which will be completed in time for use in technical analysis for this project.

- *Cost of Congestion to the Economy of the Portland Region (2005)* – A public-private partnership to study the fiscal impacts of congested roads in the metropolitan region. The study includes industry case studies that identify discrete consequences of congestion on business. It will inform this planning effort with regard to issues facing the movement of freight and goods.
- *City of Portland Freight Master Plan (2005)* – The City of Portland developed a master plan to address freight movement issues within its jurisdictional boundaries. The planning activity generated significant background data on trends, community issues, deficiencies, and system needs for the “first and last mile” connectors that serve many of the region's freight terminals and industrial districts.
- *Oregon Transportation Plan* – The comprehensive update to Oregon's 1992 transportation plan. Although under public review, the OTP provides direction on issues, policy, and investment priorities pertaining to the movement of freight and goods.

The freight planning process is rolling out in three phases. Pre-TGM work includes the formation of a project advisory committee and technical advisory committee, and initial data collection and inventory. The TGM phase constitutes the bulk of technical analysis and culminates in the development of recommendations for policy revisions, prioritized system improvements, and implementation strategies. In the post-TGM phase, Metro will refine the policy, project, and implementation strategy recommendations in coordination with the broader 2035 RTP update process and prepare a regional freight plan document.

DATA FORMAT COMPATIBILITY AND EXPECTATIONS

In order to ensure data is easily transferred between Metro and Consultant team during the course of the project, protocols need to be determined at the outset. Metro relies on MS Office products for written reports, database, and spreadsheet. Consultant must be able to support the following graphic formats: PDF, Adobe Illustrator (AI), and Photoshop (PSD) formats. Metro can support CAD formats up to AutoCAD 2004 and Micro Station design files (.dgn) up to version 8. Metro uses ESRI's ArcMap and ArcGIS for geographic information system mapping and analysis.

With respect to all project deliverables, Consultant shall prepare documents in MS Word, MS Excel and MS Powerpoint software only. With the exception of four concept level graphics for street design, any graphics or other software products requested for insertion to Consultant documents must be produced by Metro.

Consultant shall ensure that any work products produced pursuant to this contract include the following statement:

This project is partially funded by a grant from the Transportation and Growth Management (TGM) Program, a joint program of the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development.

This TGM grant is financed, in part, by federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), local government, and the State of Oregon funds.

The contents of this document do not necessarily reflect views or policies of the State of Oregon.

TRAFFIC ANALYSIS REQUIREMENTS

A professional engineer (civil or traffic) registered in Oregon must perform or oversee all traffic analysis work. Agency Region 1 Traffic staff shall review all draft and final technical reports and shall convey their comments to Agency WOCPM for consideration by Project Management Team and Technical Advisory Committee. All data and calculations, including electronic copies of analysis data, must be submitted to Region 1 Traffic for review and record keeping. Region 1 - Traffic shall review the methodologies used to develop the existing and future volumes.

TASKS

Task 1.0 - Project Management

Objective

Efficiently and effectively manage the completion of tasks needed to produce a quality process and project. Ensure that the project progresses on time and on budget. Also, ensure that the products submitted by Consultant are complete and at a quality level that meet the desired specifications and purposes of the task.

Methodology

Sub-task 1.1, Contract Management

Metro's project manager shall be responsible for the day-to-day project administration and management. Metro shall prepare and submit monthly progress reports along with agency invoices, and project deliverables. Metro shall review and approve Consultant project deliverables and invoices.

Consultant shall submit project deliverables, progress reports, and invoices to Metro and Agency for review and approval.

Sub-task 1.2, Project Management Team

Metro shall coordinate and facilitate Project Management Team (PMT) meetings that include key Metro staff, Consultant, and WOCPM. PMT must be a forum for evaluating progress on work tasks, addressing issues, and providing overall direction for project completion that meets the stated planning objectives. PMT shall meet monthly. Metro shall schedule, prepare agendas, and complete meeting summaries of PMT meetings. Meetings will be held at consultant team offices.

Deliverables

Metro

1.1a Monthly progress reports to Agency

1.1b Invoices

1.2 Project Management Team agendas & meeting summaries

Consultant

1.1 Progress reports and invoices to Metro and Agency

1.2 Attendance at/Participation in Project Management Team Meetings (up to 13).

Schedule

Months 1 - 13

Task 2.0 - Public Participation and Technical Coordination

Objective

Implement a public participation process that generates input from a cross-section of stakeholders involved with and impacted by freight and goods movement. Provide jurisdictional partners with frequent opportunities for coordination and input into the planning process.

Methodology

Sub-task 2.1, Public Participation Setup & Coordination

Metro shall prepare and enact Public Participation Plan specific to freight and coordinated with 2035 RTP processes. Actions taken to prepare Public Participation Plan must include:

- 2.1.1 Metro shall conduct activities, such as fact sheets, on-line questionnaires, and outreach to freight groups, intended to capture input as it relates to the regional freight system and within the larger 2035 RTP update and after its public participation process has been determined. The 2035 RTP will include a public participation process to identify expectations and priorities for the regional transportation system. The process, to be designed, could involve surveys, focus groups, targeted workshops, civic journalism and other public outreach strategies intended to provide a broad sampling of public priorities.
- 2.1.2 Metro shall establish and maintain a project contact database for electronic and/or mail notification of participation events, project updates, and opportunities to review and comment on findings and recommendations.
- 2.1.3 Metro shall create a project web page on the www.metro-region.org site to share project information and gather citizen input.

Sub-task 2.2, Freight Advisory Task Force Management

Freight Advisory Task Force (Task Force) was formed in the pre-TGM phase of the project. Members must include representatives from private and public sector organizations that actively participate in or oversee the movement of freight and goods in the region. Task Force is geographically and freight-modally balanced to ensure a diversity of interests. The role of Task Force is to provide policy guidance; review and comment on materials; and provide input on recommendations.

Metro shall manage Task Force including meeting schedules, agenda/materials preparation, meeting summaries, and correspondence. Metro shall convene up to 10 Task Force meetings during the project. Consultant shall attend a maximum of 5 Task Force meetings, to be assigned by Metro staff. Meetings are listed in the tasks in which they occur.

Sub-task 2.3, Technical Advisory Committee Management

Freight Technical Advisory Committee (TAC) is an established technical committee whose membership consists of staff from many of the local, regional, and state governments operating within Metro's jurisdictional boundaries. TAC shall provide input and review work products with a focus on the technical aspects such as network classification and project definition.

Metro shall manage Freight TAC including meeting schedules, agenda/materials preparation, meeting summaries, and correspondence. Metro shall convene up to 12 TAC meetings during the course of the project. Consultant shall attend a maximum of 6 TAC meetings, to be assigned by Metro staff. Meetings are listed in the tasks in which they occur.

Sub-task 2.4, Street Design Working Group

Metro shall form a Street Design Working Group to provide input and insight into street design issues pertaining to trucks and to guide the formation of recommended revisions to Metro's *Creating Livable Streets- Street Design Guidelines* in Task 8. Street Design Working Group shall also meet during Task 6 to review new or amended projects for potential impacts on other modes including rail, transit, bicycle, and pedestrian. Street Design Working Group must have multi-modal representation and include Metro, Consultant, and Agency. Street Design Working Group shall meet up to four times in this task (Consultant shall attend maximum of two meetings associated with this task and as described in Task 8). Metro shall schedule, agenda preparation, and prepare meeting summaries.

Sub-task 2.5, Project Communications

Metro shall coordinate Project Communications with those committees involved with regional freight issues including but not limited to Metro Council, the Joint Policy Advisory Committee on Transportation (JPACT), Transportation Policy Alternatives Committee (TPAC), Oregon Freight Advisory Committee (OFAC) and Portland Freight Committee. In addition, Metro shall provide informational presentations to groups and organizations interested in or impacted by goods movement. Consultant shall attend the following meetings during the course of the project: Freight Advisory Task Force Meetings (5); Technical Advisory Committee Meetings (6); Street Design Working Group (2); JPACT and Metro Council Briefings (4).

Deliverables

Metro

- 2.1 Public Participation Plan
- 2.2 Freight Advisory Task Force agendas and meeting summaries
- 2.3 Freight TAC agendas and meeting summaries
- 2.4 Street Design Working Group membership, agendas, and meeting summaries
- 2.5 Project Communications

Consultant (Meeting deliverables are listed in the tasks in which they occur):

Freight Advisory Task Force Meetings (5)

Technical Advisory Committee Meetings (6)

Street Design Working Group (2)

JPACT and Metro Council Briefings (4)

Schedule

Months 1 – 13

Task 3.0 - Desired Outcomes

Objective

Work with community to define a set of results-driven outcomes to guide recommendations for policy, infrastructure and system management projects, and implementation strategies pertaining to the freight transportation system.

Methodology

Sub-task 3.1, Outcomes and Performance Measures

Metro shall prepare Desired Outcomes Memorandum documenting the process and results of a public process. As part of preparing Desired Outcomes Memorandum, Metro shall develop and implement a public process for establishing a set of desired outcomes for the freight system that will guide the development of policy, projects, and implementation strategies. This sub-task must be coordinated with the 2035 RTP process for establishing transportation priorities.

Consultant shall prepare a 3-10 page Draft Performance Measures Technical Memorandum, an identification of a set of performance measures for the identified desired outcomes that can be applied to gauge success in achievement over time and which documents the development of performance measures.

Metro shall provide a single consolidated non-contradictory set of comments on draft Performance Measures Technical Memorandum.

Consultant shall prepare a Final Performance Measures Technical Memorandum incorporating comments provided by Metro.

Sub-task 3.2, Freight Advisory Committees Participation

Metro shall convene and participate in up to one TAC meeting and one Task Force meeting under this task. Metro shall consult the advisory committees on the desired outcomes process and identification of performance measures, and ensure that comments from the advisory committees are reflected in the final products.

Deliverables

Metro

3.1a Desired Outcomes Memorandum

3.1b Review and Comment of Performance Measures Technical Memorandum

3.2 TAC & Task Force meetings (1 each)

Contractor

3.1 Draft Performance Measures Technical Memorandum

3.1b Final Performance Measures Technical Memorandum

Schedule

Months 1 – 3

Task 4.0 - System Conditions

Objective

Develop a comprehensive base of information on the characteristics of the region's multimodal freight system to inform an assessment of the current and projected system conditions and support development of recommendations that occur in later tasks.

Methodology

Sub-task 4.1, Source Data Collection and Inventory

Metro shall prepare Database of Freight Data Sources, a listing of public and private source information needed to comprehensively report on freight system conditions in the metropolitan region. Applicable data sources must be categorized as regulatory/policy, modal analysis, commodity flow, land use, and economic development.

Consultant shall provide Review and Comment (oral and/or written) on draft Database of Freight Data Sources and make suggestions to augment the database as necessary.

Sub-task 4.2, Trends and Logistic Patterns Summaries

Metro shall prepare Trends and Logistic Patterns Technical Memorandum analyzing industry trends. Actions taken to prepare Trends and Logistic Patterns Technical Memorandum must include:

- 4.2.1 Metro shall research major trends in the logistics and distribution industry and their effects on the regional movement of freight and goods.
- 4.2.2 As a separate deliverable, Consultant shall identify and interview three to four businesses representing a cross-section of regional shippers to document their supply-chain logistic patterns and reasons for modal choice.
- 4.2.3 As a separate deliverable, Consultant shall prepare a 6-12 page "Logistics Story" for each business type using interview input.
- 4.2.4 Metro shall incorporate the industry trends and logistic stories into a single document.

Consultant shall provide Review and Comment (oral and/or written) on the draft Trends and Logistic Patterns Technical Memorandum.

Sub-task 4.3, Freight System Profiles

Consultant shall prepare 1-5 page Freight System Profiles, a series of profiles for each of the key elements of the regional freight system to document their physical, operational, and market characteristics; Consultant shall solicit Metro input during preparation. Metro shall provide GIS and mapping support for this sub-task. Actions taken by Consultant to prepare Freight System Profiles must include:

4.3.1 Motor Carrier Profile

Consultant, with Metro input, shall document truck freight characteristics. Metro shall run the Regional Truck Model to assess base year (2005) and horizon year (2035) conditions. Model outputs include Average Daily Traffic/PM peak truck flows; and regional totals for average weekday truck trips, travel time, trip length, and hours of delay. Metro shall assess and report model output described above, distinguishing between heavy and medium trucks. Consultant shall report on current and future truck modal splits (in tonnage, compare to other freight modes), mix of commodities moved, intermodal characteristics, types of service (truckload, less-than-truckload, etc), over-dimensional loads, hazardous goods routes, regulatory agencies, contribution to transportation revenues, and other relevant features.

4.3.2 Freight Rail Profile

Consultant shall describe the region's freight rail network including types and locations of service, train volumes by line, origin/destination patterns, current and future modal split (tonnage), mix of commodities moved, intermodal characteristics, regulatory agencies, and other relevant features based on ODOT's *I-5 Rail Capacity Study* (2003) and the *Lower Columbia River Commodity Flow Forecast* (2002).

4.3.3 Air Cargo Profile

Consultant describe the region's air cargo operations including terminal location(s), volumes, mix of commodities moved, current and future modal split (tonnage), major carriers, origin/destination patterns, intermodal characteristics, regulatory agencies, and other relevant features based on the Port of Portland's *Aviation Master Plan* (2000) and the *Lower Columbia River Commodity Flow Forecast* (2002).

4.3.4 Marine Cargo Profile

Consultant shall describe the region's marine cargo operations including terminal locations, types of service, number and type of vessels providing regular service to regional port terminals, origin/destination patterns, current and future modal split (tonnage), mix of commodities moved, intermodal characteristics, regulatory agencies, and other relevant features based on the Port of Portland's *Marine Terminal Master Plan* (2003) and the *Lower Columbia River Commodity Flow Forecast* (2002).

4.3.5 Pipeline Profile

Consultant shall describe the region's pipeline network including proximate location of lines and terminals, origin/destination patterns, mix of commodities moved, intermodal characteristics, regulatory agencies, and other relevant features.

Sub-task 4.4, Freight Traffic Generators

Metro shall prepare Freight Traffic Generator Technical Memorandum documenting locations of major freight traffic generators and describing both the type of businesses and use of freight mode(s).

Sub-task 4.5, Draft System Conditions Technical Report

Consultant shall prepare a 15-25 page Draft System Conditions Technical Report to include the description of data sources, industry trends, shipper logistics stories, freight system profiles, and freight traffic generator characteristics. Draft System Conditions Technical Report must include both narrative and graphics to convey the conditions of the regional freight system and include Consultant deliverables 4.2a, 4.2b, and 4.3 as well as Metro deliverables 4.1 – 4.4.

Metro shall provide a single set of consolidated non-contradictory comments on the Draft System Conditions Technical Report.

Sub-task 4.6, Freight Advisory Committees Participation

Metro shall convene and participate in up to two TAC and two Task Force meetings under this task. Metro shall consult the advisory committees on the trends and freight profiles. Consultant and Metro shall prepare meeting materials reflecting their respective responsibilities under task 4. Consultant shall participate in up to one TAC and one Task Force meeting. The advisory committees shall review and comment on the draft System Conditions Technical Report.

Sub-task 4.7, Final System Conditions Technical Report

Consultant shall prepare final System Conditions Technical Report to incorporate TAC, Task Force, and Metro input on draft.

Deliverables

Metro

- 4.1 Database of Freight Data Sources
- 4.2 Industry Trends and Logistics Patterns Technical Memorandum
- 4.3a Regional Truck Model Run Outputs
- 4.3b Freight Profile GIS Maps and Graphics
- 4.4 Freight Traffic Generator Technical Memorandum
- 4.5 Review and Comment on Draft System Conditions Technical Report
- 4.6 TAC & Task Force meetings (Max. 2 each)

Contractor

- 4.1 Review and Comment on Data Sources
- 4.2a Industry Interviews (3 - 4)
- 4.2b Logistics Story
- 4.2c Review and Comment on Industry Trends and Logistics Patterns Technical Memorandum
- 4.3 Freight System Profiles
- 4.5 Draft System Conditions Technical Report
- 4.6 TAC & Task Force meetings (1 each)
- 4.7 Final System Conditions Technical Report

Schedule

Months 1 - 5

Task 5.0 - System Assessment

Objective

Develop a comprehensive assessment of the regional freight system issues, needs, and deficiencies.

Methodology

Sub-task 5.1, Issues Identification

Metro shall prepare Summary of Needs/Issues/Deficiencies, an initial summary of issues pertinent to regional freight and goods movement from data compiled in Task 3 Desired Outcomes & System Conditions and gathered through public input opportunities, identified in Task 2 - Public Participation and Technical Coordination. Some issues will be corridor specific, while others will apply region-wide.

Consultant shall provide Review and Comment (oral and/or written) on draft Summary of Needs/Issues/Deficiencies.

Sub-task 5.2, Sub-Area Needs Analysis

Metro shall prepare Sub-Area Needs Analysis Technical Memorandum. Actions taken to prepare Sub-Area Needs Analysis Technical Memorandum must include:

- 5.2.1 Metro shall develop and apply criteria, with input from Consultant and TAC in order to identify up to ten regional sub-areas centered on major freight corridors and create an aggregated Traffic Analysis Zone (TAZ) system for use in a sub-area needs analysis.
- 5.2.2 For each sub-area, Metro shall describe, using narrative and graphics as appropriate, the primary modes of freight service, the intermodal transfer points and relationship to congested corridors, the connection between the freight generators and the regional corridors, origin and destination patterns, congestion bottlenecks on the primary truck routes, infrastructure deficiencies such as weight limited bridges, major truck generators, expansion and/or relocation needs of major terminal facilities, economic development opportunities, availability of multimodal passenger transportation, and other information as deemed necessary by the PMT and Freight TAC. As a separate deliverable, Metro shall prepare illustrative TAZ Sub-Area Maps
- 5.2.3 Metro shall furnish and analyze output from RTP Base Case model and the Truck model output including color-coded volume/capacity ratio plots and origin/destination tables for base and horizon year. The Freight plan must use the same version of the model as the 2035 RTP update. The base year is 2005 and the anticipated planning horizon is 2035. As a separate deliverable, Metro shall prepare illustrative Origin/Destination Tables and Volume/Capacity Map(s).

Consultant shall provide Review and Comment (oral and/or written) on draft Sub-Area Needs Analysis Technical Memorandum.

Sub-task 5.3, Draft Solutions/Strategy Assessment

Metro shall prepare a Refined and Categorized Summary of Needs/Issues/Deficiencies and Sub Area Needs, a refinement of sub-task 5.1 list of issues, needs, and deficiencies must include additional information from sub-task 5.2 sub-area needs analysis and categorize by common characteristics.

Metro and Consultant shall prepare a series of background papers that describe implementation strategies that can inform the solutions and strategies assessment:

5.3.1, Transportation System Management and Operations

Metro shall prepare System Management and Operational Strategies Technical Memorandum documenting management and operational practices and strategies that can be employed to improve the efficiency, safety, and/or security of the freight system and assessing feasibility of application to the region and provide recommendations for further action. The evaluation of practices and strategies must consider all modes of freight.

Consultant shall provide Review and Comment (oral and/or written) on draft System Management and Operational Strategies Technical Memorandum.

5.3.2, Environmental and Neighborhood Impacts and Mitigation Strategies

Consultant shall prepare a 6-10 page Environmental and Neighborhood Impact Mitigation Strategies Technical Memorandum which addresses the impacts of freight movement on the environment and neighborhoods. Issues to be addressed must include air quality, parking, size of delivery vehicles, and safety. Strategies must consider the feasibility of freight transportation demand management (TDM) measures such as shift travel or delivery times to off-peak, truck-only lanes, tolling, empty backhaul reduction, and freight modal shifts. Strategies must also address potential for shifting passenger travel mode choices in key freight corridors.

Metro shall provide a single set of consolidated non-contradictory comments and incorporate edits into draft Neighborhood Impact Mitigation Strategies Technical Memorandum.

5.3.3, Land Use and Economic Development Strategies

Consultant shall prepare a 6-10 page Land Use and Economic Development Strategies Technical Memorandum describing the relationship between transportation and land recycling (brownfields); industrial/employment lands preservation and expansion; and the retention and attraction of businesses – focusing on the region’s growing sectors. As part of this task, Consultant, with Metro input, shall research and propose strategies to better coordinate industrial/employment land development with infrastructure needs and to leverage freight transportation investments to support the region’s economic development goals.

Metro shall provide a single set of consolidated non-contradictory comments and incorporate edits into draft Land Use and Economic Development Strategies Technical Memorandum.

5.3.4, Financing Strategies

Metro shall prepare Financing Strategies Technical Memorandum. As part of this task, Metro, with Consultant input, shall research and describe emerging practices in the financing of infrastructure for freight movement.

Consultant shall provide Review and Comment (oral and/or written) on draft Financing Strategies Technical Memorandum.

Sub-task 5.4, Solutions and Strategies Assessment

5.4.1 Using information provided in background papers, Consultant shall prepare a 4-10 page Draft Solutions and Strategies Technical Memorandum to identify and describe possible solutions/strategies for each category of issue/need/deficiency identified by Metro.

Metro shall provide a single set of consolidated non-contradictory comments on draft Solutions and Strategies Technical Memorandum.

5.4.2 Consultant shall prepare final Solutions and Strategy Technical Memorandum incorporating TAC, Task Force, and Metro input on draft Solutions and Strategy Technical Memorandum.

Sub-task 5.5, Draft System Assessment Technical Report

Consultant shall prepare a 10-20 page Draft System Assessment Technical Report to include identified issues/needs/deficiencies, sub-area analysis data and findings, and solutions/strategies assessment. System Assessment Technical Report must include both narrative and graphics sufficient to convey the needs/issues/deficiencies for the regional freight system and incorporate consultant deliverables in Task 5.3 and 5.4. and Metro deliverables in Tasks 5.1 – 5.3 Consultant shall solicit Metro input during preparation.

Metro shall provide a single set of consolidated non-contradictory comments on Draft Systems Assessment Technical Report.

Sub-task 5.6, Freight Advisory Committees Participation & JPACT & TPAC Briefings

Metro shall convene and participate in up to two TAC and two Task Force meetings under this task. TAC and Task Force shall provide input on sub-area issues identification and assessment, and the development of solutions and strategies. Consultant shall participate in up to two TAC and one Task Force meeting during this task. TAC and Task Force shall review and comment on draft Systems Assessment Technical Report.

Metro shall give a project briefing on desired outcomes, system conditions, and system assessment to TPAC, JPACT and Metro Council. Consultant shall participate in JPACT and Metro Council briefing.

Sub-task 5.7, Final System Assessment Technical Report

Consultant shall prepare final System Assessment Technical Report to incorporate TAC, Task Force and Metro input on draft.

Deliverables

Metro

- 5.1 Summary of Needs/Issues/Deficiencies
- 5.2.a Sub-Area Needs Analysis Technical Memorandum
- 5.2.b TAZ Sub-Area Maps
- 5.2.c Origin/Destination Tables and Volume/Capacity Map(s)
- 5.3a Refined and Categorized Summary of Needs/Issues/Deficiencies and Sub-Area Needs
- 5.3b System Management and Operations Strategies Technical Memorandum
- 5.3c Review and Comment on Environmental and Neighborhood Impact Mitigation Strategies Technical Memorandum
- 5.3d Review and Comment on Land Use and Economic Development Strategies Technical Memorandum
- 5.3e Financing Strategies Technical Memorandum
- 5.3f Review and Comment on Solutions and Strategies Technical Memorandum
- 5.5 Review and Comment on Draft System Assessment Technical Report
- 5.6a TAC meetings (Max. 2)
- 5.6.b Task Force meetings (Max. 2)
- 5.6c TPAC, JPACT & Metro Council Briefings

Contractor

- 5.1 Review and Comment on Summary of Needs/Issues/Deficiencies
- 5.2 Review and Comment on draft Sub-Area Needs Analysis Technical Memorandum
- 5.3a Environmental and Neighborhood Impact Mitigation Strategies Technical Memorandum
- 5.3b Land Use and Economic Development Strategies Technical Memorandum
- 5.3c Review and Comment on Financing Strategies Technical Memorandum
- 5.3d Draft Solutions and Strategies Technical Memorandum
- 5.4 Final Solutions and Strategies Technical Memorandum
- 5.5 Draft System Assessment Technical Report
- 5.6a TAC meeting (Max. 2)
- 5.6b Task Force meeting (1)
- 5.6c JPACT and Metro Council Briefings (1 each)
- 5.7 Final System Assessment Technical Report

Schedule

Months 3 - 7

Task 6.0 - Policy Evaluation

Objective

Review and make recommendations on refinements to the regional freight system policies and network that respond to the desired outcomes.

Methodology

Sub-task 6.1, Regional Freight Policy Evaluation

Metro shall prepare Draft Regional Freight Policy Evaluation, an evaluation of existing RTP goods movement-related policies and objectives against desired outcomes and Task 5 system assessment to identify key policy gaps and inconsistencies and to ensure consistency with other local, state, and federal policies and plans. Metro shall propose revisions to existing policy and/or objective language and craft new language that will be forwarded as recommendations to the 2035 RTP update process. Metro shall solicit Consultant input during preparation.

Consultant shall provide Review and Comment (oral and/or written) on draft Regional Freight Policy Evaluation.

Sub-task 6.2, Regional Freight Functional Classification System and National Highway System (NHS) Network Review

Metro shall prepare Draft Regional Freight Functional Classification System and NHS Network Review. As part of this task, applying Task 4 - System Conditions and Task - 5 System Assessment data and findings, Metro shall review and propose revisions to the current RTP freight functional classification system, establishing assessment criteria and applying it to identify network changes. Review includes the identification of recommended updates to the federal NHS designations.

Consultant shall provide Review and Comment (oral and/or written) on Draft Regional Freight Functional Classification System and NHS Network Review.

Sub-task 6.3, Draft Regional Freight Policy and Network Recommendations Technical Report

Metro shall prepare Draft Regional Freight Policy and Network Recommendations Technical Report with recommendations for revisions and additions to the RTP policy language, the freight functional classification system map, and the NHS designations.

Sub-task 6.4, Freight Advisory Committees Participation & Briefings

Metro shall convene and participate in up to two TAC and one Task Force meetings under this task. TAC and Task Force shall provide input on policy evaluation, proposed policies revision, and the regional and NHS network changes. TAC and Task Force shall review and comment on the draft Regional Freight Policy and Network Recommendations Technical Report.

Metro shall brief TPAC and JPACT on the freight policy evaluation and proposed recommendations, regional and NHS freight network assessment, and street design policy and proposed revisions to the *Creating Livable Streets* design guide.

Sub-task 6.5, Final Regional Freight Policy and Network Recommendations Technical Report

Metro shall prepare final Regional Freight Policy and Network Recommendations Technical Report to incorporate TAC, Task Force, and Consultant input on draft.

Deliverables

Metro

- 6.1 Draft Regional Freight Policy Evaluation
- 6.2 Draft Regional Freight Functional Classification System and NHS Network Review
- 6.3 Draft Regional Freight Policy and Network Recommendations Technical Report
- 6.4a TAC (Max. 2)
- 6.4b Task Force meetings (Max. 1)
- 6.4c TPAC and JPACT briefings
- 6.5 Final Regional Freight Policy and Network Recommendations Technical Report

Contractor

- 6.1 Review of and Comment on Draft Regional Freight Policy Evaluation
- 6.2 Review of and Comment on Draft Regional Freight Functional Classification System and NHS Network Review

Schedule

Months 7 – 10

Task 7.0 - Freight System Infrastructure Improvements

Objective

Use the desired outcomes as a guide for identifying and prioritizing infrastructure improvements to establish a recommended freight projects list that will be forwarded to the 2035 RTP Update process.

Methodology

Sub-task 7.1, Freight Project Criteria and Identification

Metro shall prepare Freight Project Criteria and Identification. As part of this task, Metro shall develop criteria for identifying a subset of “freight” projects from the full list of projects in the existing RTP 2025 Illustrative System. Metro shall apply the freight project identification criteria to identify a set of “freight” infrastructure projects that should address all freight modes and intelligent transportation system infrastructure. Metro shall solicit Consultant input during preparation.

Sub-task 7.2, Draft System Improvements Recommendations Technical Report

Consultant shall prepare a 10-20 page Draft System Improvements Recommendations Technical Report, which incorporates “Freight Project Criteria and Identification”, “Freight Project Technical Assessment”, and “Recommended Projects List”, i.e., describing the project identification and assessment process, prioritization criteria, and recommended freight projects list in relative priority order.

7.2.1 Freight Project Technical Assessment

Consultant shall prepare Freight Project Technical Assessment to assess the freight projects list using Task 4 - System Assessment data to identify project list gaps, additional needed improvements, refinements to existing projects, and/or unnecessary projects by sub-area.

Consultant shall propose solutions to address assessment findings and create Interim Freight Projects List as a separate deliverable.

As part of this task, and as a separate deliverable, Metro shall organize and Consultant shall facilitate Street Design Working Group Meeting to review new or amended projects for potential impacts on other modes including rail, transit, bicycle, and pedestrian.

Agency Rail staff shall review any proposed projects within 500' of a railroad.

7.2.2 Recommended Projects List

Consultant shall prepare Recommended Freight Projects List an identification of project prioritization criteria based on the desired outcomes identified in Task 4 - System Conditions and advisory committee input. The prioritization criteria must be reviewed for consistency with the outcomes identified in the 2035 RTP outcomes. Consultant shall provide "order of magnitude" cost estimates for any new or substantially refined projects.

Metro shall prepare Map of Recommended Freight Projects.

As part of this task, and as a Subtask 7.3 deliverable, using the sub-task 7.2.1 interim freight projects list, Consultant shall coordinate with Metro, TAC, and Freight Task Force to apply prioritization criteria to select a twenty-year list of recommended freight projects and establish relative timing of priority to be advanced to the 2035 RTP update process.

Note: The 2035 RTP projects, including the recommended freight projects, will be modeled for system performance and air quality as part of the RTP System Analysis task in the Spring/Summer 2007, outside the scope of the TGM project. Refinements to the freight project list will occur as part of the final plan development in the post TGM phase.

Metro shall provide a single set of consolidated non-contradictory comments on Draft System Improvements Recommendations Technical Report.

Sub-task 7.3, Freight Advisory Committees Participation & Briefing

Metro shall convene and participate in up to two TAC and one Task Force meetings under this task. Consultant shall participate in up to two TAC and one Task Force meeting during this task. TAC and Task Force will provide input on the freight project identification criteria, technical assessment of improvement list, prioritization criteria and application, and recommended projects list. TAC and Task Force shall review and comment on draft System Improvements Recommendation Technical Report developed in subtask 7.2

Metro shall brief TPAC on the process and identification of freight projects for the region.

Sub-task 7.4, Final System Improvements Recommendations Technical Report

Consultant shall prepare final System Improvements Recommendations Technical Report to incorporate TAC, Task Force, and Metro input on draft.

Deliverables

Metro

- 7.1 Freight Project Criteria and Identification
- 7.2a Street Design Working Group meeting (Max. 1)
- 7.2b Map of Recommended Freight Projects
- 7.2c Review and Comment on Draft System Improvements Recommendation Technical Report
- 7.3a TAC meetings (Max. 2)
- 7.3b Task Force meetings (1)
- 7.3c TPAC Briefing

Consultant

- 7.1. Freight Project Technical Assessment
- 7.2 Draft System Improvements Recommendations Technical Report including Freight Project Criteria and Identification, Freight Project Technical Assessment, and Recommended Projects List
- 7.3a TAC meetings (Max. 2)
- 7.3b Task Force meetings (1 each)
- 7.4 Final System Improvements Recommendations Technical Report

Schedule

Months 7 - 10

Task 8.0 - Implementation Strategies

Objective

To identify a set of recommended practices and strategies that can be implemented to address freight-related needs and issues in the region.

Methodology

Sub-task 8.1, Draft Implementation Strategies Technical Report

Using information developed in Task 5, Metro shall evaluate and recommend the regional application of practices and strategies for System Management and Operations (task 5.3.1), for Mitigation of Environmental and Neighborhood Impacts (task 5.3.2), for Coordination of Land Use and Economic Development (task 5.3.3.), and for Financing freight infrastructure improvements (task 5.3.4). Metro shall prepare a Draft Implementation Strategies Technical Report that incorporates the evaluation and recommendations.

Consultant shall provide Review and Comment (oral and/or written) on Draft Implementation Strategies Technical Report.

The TAC and Task Force shall provide input on determining recommended implementation strategies. TAC and Task Force shall review and comment on the draft Implementation Strategies Technical Report. TAC and Task Force deliberation on the Draft Implementation Strategies must take place during meetings scheduled under Task 9, Street Design.

Sub-task 8.2, Final Implementation Strategies Technical Report

Metro shall prepare final Implementation Strategies Technical Report to incorporate TAC, Task Force and Consultant input on draft.

Deliverables

Metro

- 8.1 Draft Implementation Strategies Technical Report
- 8.2. Final Implementation Strategies Technical Report

Consultant

- 8.1 Review and Comment on Draft Implementation Strategies Technical Report

Schedule

Months 9–11

Task 9.0 - Trucks and Street Design

Objective

Develop an understanding of the physical and operational characteristics of trucks in order to better plan for their presence in different land use settings. Apply this understanding to make recommendations for revisions to Metro's *Creating Livable Streets* design guide.

Methodology

Sub-task 9.1, Draft Trucks and Street Design Recommendations Technical Report

Consultant shall prepare a 6-12 page Draft Trucks and Street Design Recommendations Technical Report, incorporating analysis and presentation of "Physical and Operational Characteristics of Trucks" and "Street Design Policy and Guide Review", with recommendations, to include the description of physical and operational characteristics, assessment findings, and recommendations for revisions to street design policy and guidelines. Technical Report must include narrative and graphic illustrations (up to four) to clearly represent the recommendations.

9.1.1, Physical and Operational Characteristics of Trucks

Building on work completed by City of Portland, Consultant shall document truck characteristics including the variation in physical dimensions, uses, operational needs, and other relevant elements identified by Consultant. Consultant shall identify the typical truck types used in different land use settings and describe the roadway design challenges.

9.1.2, Street Design Policy and Guide Review

Consultant, with assistance from Metro, shall review the current RTP street design policy and the *Creating Livable Streets* guidelines then assess and document where truck design needs should be addressed. Using Street Design Working Group input, Consultant shall propose

recommended narrative and graphics revisions, such as street and intersection cross-section illustrations, to the Street Design policy and the guidelines.

Sub-task 9.2, Street Design Working Group Participation

Metro and Consultant shall convene and participate in up to two Street Design Working Group meetings under this task. Street Design Working Group provides input on the truck considerations in street design policy and guidelines and makes recommendations on design policy and guideline revisions.

Sub-task 9.3, Freight Advisory Committees Participation

Metro and Consultant shall convene and participate in one TAC and one Task Force meetings under this task. TAC and Task Force shall review and provide input on truck considerations in street design policy and guidelines, and the revisions recommended by the Street Design Working Group. TAC and Task Force shall review and comment on the draft Truck and Street Design Recommendations Technical Report for this task.

Sub-task 9.4, Trucks and Street Design Recommendations Technical Report

Consultant shall prepare final Trucks and Street Design Recommendations Technical Report to incorporate TAC, Task Force and Metro input on draft based on a single set of consolidated non-contradictory comments.

Deliverables

Metro

- 9.1 Review and Comment on Trucks and Street Design Recommendations Technical Report
- 9.2 Street Design Working Group meeting (2)
- 9.3 TAC & Task Force meeting (1 each)

Contractor

- 9.1 Draft Truck and Street Design Technical Report
- 9.2 Street Design Working Group meeting (2)
- 9.3 TAC & Task Force meeting (1 each)
- 9.4 Final Truck and Street Design Recommendations Technical Report

Schedule

Months 9-11

Task 10.0 - Recommendations and Documentation

Objective

Provide a comprehensive report on the assessment of the regional freight system including the community challenges and opportunities, and recommendations for policy, infrastructure improvements, and implementation strategies. Recommendations must be incorporated into the 2035 RTP update and adoption process.

Methodology

Sub-task 10.1, Policy, Project, and Implementation Recommendations Finalization

Metro shall prepare Final Regional Freight Policy, Project, and Implementation Recommendations, a set of policy, infrastructure, and implementation strategy recommendations and apply a relative timeframe for taking action – short-term, mid-term, and long-term.

Consultant shall provide Review and Comment (oral and/or written) on Final Regional Freight Policy, Project, and Implementation Recommendations. As part of this task, and as a separate deliverable, Metro shall consult with TAC and Task Force to refine recommendations, convening up to two meetings for each advisory committee. Metro shall brief TPAC, JPACT, and Metro Council on draft recommendations. Consultant shall participate in the JPACT and Metro Council briefings.

Sub-task 10.2, Final Report Preparation

Metro shall prepare Final Report on Metro-Region Plan for Freight and Goods Movement incorporating on all the deliverables produced in the course of Project. Final Report must include summaries of the technical memoranda and reports and recommendations that will be carried forward into the 2035 RTP Update and freight plan document. Final Report must include narrative and graphics sufficient to convey the state of the regional freight system and recommendations for improvements.

Consultant shall provide Review and Comment (oral and/or written) on Final Report on Metro-Region Plan for Freight and Goods Movement.

Deliverables

Metro

- 10.1a Final Regional Freight Policy, Project, and Implementation Recommendations
- 10.1b TAC & Task Force meeting (Max. 2 each)
- 10.1c TPAC, JPACT & Metro Council briefings (1 each)
- 10.2 Final Report on Metro-Region Plan for Freight and Goods Movement

Contractor

- 10.1 Review and Comment on Final Regional Freight Policy, Project, and Implementation Recommendations
- 10.1b JPACT & Metro Council briefings (1 each)
- 10.2 Review and Comment on Final Report on Metro-Region Plan for Freight and Goods Movement

Schedule

Months 11 - 13

BUDGET AND SCHEDULE

| Tasks | Metro | Schedule |
|--|------------------|----------------|
| 1. Project Management | \$10,000 | Months 01 - 13 |
| 2. Public Participation/Technical Coordination | \$42,000 | Months 01 - 13 |
| 3. Desired Outcomes | \$2,000 | Months 01 - 03 |
| 4. System Conditions | \$29,000 | Months 01 - 05 |
| 5. System Assessment | \$17,000 | Months 03 - 07 |
| 6. Policy Evaluation | \$13,000 | Months 07 - 10 |
| 7. Freight System Improvements | \$8,000 | Months 07 - 10 |
| 8. Implementation Strategies | \$2,000 | Months 09 - 11 |
| 9. Trucks And Street Design | \$5,000 | Months 09 - 11 |
| 10. Recommendations And Documentation | \$12,000 | Months 11 - 13 |
| Task Total | \$140,000 | |
| Materials | \$5,000 | |
| Grand Total | \$145,000 | |

Budget Summary

| | |
|-------------------------|------------|
| Total Project Cost: | \$ 235,000 |
| TGM Grant Amount | \$ 155,000 |
| Consultant Grant Amount | \$ 90,000 |
| Metro Grant Amount | \$ 65,000 |
| Metro Match | \$ 80,000 |

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENTERING AN ORDER RELATING TO THE ROGER J. & ANN M. MIRACLE CLAIM FOR COMPENSATION UNDER ORS 197.352 (MEASURE 37)) Resolution No. 06-3706
)
) Introduced by Chief Operating Officer Michael Jordan with the concurrence of Council President David Bragdon

WHEREAS, Roger J. and Ann M. Miracle filed a claim for compensation under ORS 197.352 (Measure 37) and Chapter 2.21 of the Metro Code contending that Metro regulations had reduced the fair market value of property they own in the city of Damascus; and

WHEREAS, the Chief Operating Officer reviewed the claim and submitted a report to the Metro Council, pursuant to section 2.21.040 of the Metro Code, recommending denial of the code for the reason that the Metro regulation that is the basis for the claim has not reduced the fair market value of the claimant's property; and

WHEREAS, the Metro Council held a public hearing on the claim on June 15, 2006, and considered information presented at the hearing; now, therefore

BE IT RESOLVED that the Metro Council

1. Enters Order 06-004, attached to this resolution as Exhibit A, which denies the claim for compensation.
2. Directs the Chief Operating Officer ("COO") to send a copy of Order No. 06-004, with Exhibit A attached, to the claimants, persons who participated in the public hearing on the claim, Clackamas County and the Oregon Department of Administrative Services. The COO shall also post the order and Exhibit A at the Metro website.

ADOPTED by the Metro Council this 15th day of June, 2006

David Bragdon, Council President

Approved as to form:

Daniel B. Cooper, Metro Attorney

Exhibit A to Resolution No. 06-3706

Order No. 06-004

RELATING TO THE ROGER J. & ANN M. MIRACLE CLAIM
FOR COMPENSATION UNDER ORS 197.352 (MEASURE 37)

Claimants: Roger J. and Ann M. Miracle

Property: 9390 SE Kingswood Way, Damascus, Oregon;
Township 1S, Range 3E, Section 27A, Tax Lot 201 (map attached)

Claim: Temporary 20-acre minimum size for creation of new lots and parcels in Title 11 of the Urban Growth Management Functional Plan has reduced the value of the claimant's land.

Claimants submitted the claim to Metro pursuant to Metro Code Chapter 2.21. This order is based upon materials submitted by the claimant and the report prepared by the Chief Operating Officer ("COO") prepared pursuant to section 2.21.040.

The Metro Council considered the claim at a public hearing on June 15, 2006.

IT IS ORDERED THAT:

The claim of Roger J. and Ann M. Miracle for compensation be denied because it does not qualify for Compensation for reasons set forth in the report of the COO.

ENTERED this 15th day of June, 2006.

David Bragdon, Council President

Approved as to form:

Daniel B. Cooper, Metro Attorney

**CLAIM FOR COMPENSATION
UNDER BALLOT MEASURE 37
AND METRO CODE CHAPTER 2.21**

REPORT OF THE METRO CHIEF OPERATING OFFICER

**In Consideration of Council Order No. 06-004
For the Purpose of Entering an Order
Relating to the Measure 37 Claim of Roger and Ann Miracle**

May 19, 2006

| | |
|----------------------------|---|
| METRO CLAIM NUMBER: | Claim No. 06-004 |
| NAME OF CLAIMANT: | Roger and Ann Miracle |
| MAILING ADDRESS: | Barton C. Bobbitt Attorney at Law 4380 SW Macadam Avenue, Suite #500 Portland, OR 97239-6412 |
| PROPERTY LOCATION: | 9390 SE Kingswood Way, Damascus, Clackamas County, Oregon |
| LEGAL DESCRIPTION: | T1S R3E Section 27A Tax Lot 201 |
| DATE OF CLAIM: | February 1, 2006 |

I. CLAIM

Claimants Roger and Ann Miracle seek compensation in the amount of \$2,400,000 for a claimed reduction in fair market value of property owned by the claimant as a result of enforcement of Metro Code Section 3.07.1110 C of Title 11. In lieu of compensation, claimant seeks a waiver of that regulation so claimant can apply to the City of Damascus to divide the 11.34-acre subject property into lots of at least one acre and to allow a single family dwelling to be developed on each lot that does not already contain a dwelling. The subject property is currently undeveloped.

The Chief Operating Officer (COO) sent notice of date, time and location of the public hearing on this claim before the Metro Council on May 19, 2006. The notice indicated that a copy of this report is available upon request and that the report is posted on Metro's website at www.metro-region.org.

II. SUMMARY OF COO RECOMMENDATION

The COO recommends that the Metro Council deny the claim for the reasons explained in section IV of this report. The facts and analysis indicate that Metro's action to bring claimants' land into the Urban Growth Boundary (UGB), designate it Inner Neighborhood (allowing high-density residential development), and applying a 20-acre minimum lot size temporarily while planning is completed did not reduce the fair market value of claimants' property.

III TIMELINESS OF CLAIM

ORS 197.352(5) requires that a written demand for compensation be made:

1. For claims arising from a land use regulation enacted *prior* to the effective date of Measure 37 (December 2, 2004), within two years of that date, or of the date a public entity applies the regulation to the property as an approval criterion in response to an application submitted by the owner, whichever is later; or
2. For claims arising from a land use regulation enacted *after* the effective date of Measure 37 (December 2, 2004), within two years of the enactment of the regulation, or of the date the owner of the property submits a land use application for the property in which the regulation is an approval criterion, whichever is later.

Findings of Fact

The claimant submitted this claim on February 1, 2006. The claim identifies Metro Code section 3.07.1110 C as the basis of the claim. The Metro Council added the regulation that gives rise to this claim on September 10th, 1998 by Ordinance 98-772B, prior to the effective date of Measure 37 (December 2, 2004).

Conclusions of Law

Metro adopted the regulation that gives rise to this claim prior to the effective date of Measure 37. The claim, therefore, is timely.

IV. ANALYSIS OF CLAIM

1. Ownership

Metro Code section 2.22.020(c) defines "owner" to mean the owner of the property or any interest therein. "Owner" includes all persons or entities who share ownership of a property.

Findings of Fact

The claimants acquired an ownership interest in 9.32 acres of the subject property through a purchase contract executed December 30, 1977, and have had a continuous ownership interest since that time. The claimants acquired an ownership interest in the remaining 2.02 acres of the subject property through an addendum to the 1977 purchase contract executed on June 2, 1980, and have had a continuous ownership interest since that time. Attachment 1 is a site map of the subject property (ATTACHMENT 1). The subject property is 11.34 acres and is undeveloped.

Conclusions of Law

The claimants, Roger and Ann Miracle, are owners of the subject property as defined in the Metro Code.

2. Zoning History

The first zoning of the property was Rural (Agricultural) Single Family Residential District (RA-1), applied on September 8, 1964. The property was rezoned Rural Residential Farm Forest 5-Acre (RRFF-5) on June 19, 1980.

3. Applicability of a Metro Functional Plan Requirement

Findings of Fact

In 2002, Metro Council expanded the UGB by adopting Ordinance No. 02-969B, including the claimants' property in the UGB expansion area.

Section 3.07.1110 C of Metro's Code prohibits any division of land into lots or parcels smaller than 20 acres, except for public schools or other urban services, pending adoption of urban comprehensive plan designations and zoning.

The City of Damascus adopted Resolution No. 05-69 on December 19, 2005, waiving certain land use regulations specified in Exhibit B (Staff Report), allowing the claimants to apply to the City of Damascus to divide their property into lots of at least one acre in size and to allow a single-family dwelling to be constructed on each lot not already containing a dwelling, consistent with RA-1 zoning in effect when the claimants acquired the property in 1977 and 1980.

Conclusions of Law

Section 3.07.1110 C of the Metro Code applies to the subject property and became applicable after the claimant acquired the property. Thus, the section did not apply to the subject property at the time claimant acquired it. The section does not allow the claimant to partition or subdivide his 11.34-acre property. The claimant would have been able to apply to Clackamas County to create one-acre parcels and develop a single family dwelling on each lot (that did not already contain a dwelling) when the claimants acquired the property in 1977 and 1980.

4. Effect of Functional Plan Requirements on Fair Market Value

Findings of Fact

Section 2.21.040(d)(5) requires the Chief Operating Officer (COO) to determine whether the temporary 20-acre minimum size for the creation of new lots or parcels applicable to territory newly added to the UGB has reduced the value of claimants' land. The COO's conclusion is based upon the analysis of the effect of Metro's action contained in ATTACHMENT 2 (Metro Memorandum to Paul Ketcham and Richard Benner from Sonny Conder and Karen Hohndel dated May 19, 2006 (Conder Memo)).

Claimants have submitted comparable sales data to support their assertion that the temporary 20-acre minimum size has reduced the value of their property by \$2,400,000. From that data,

claimants assert that the property's current fair market value (FMV), with the temporary 20-acre minimum size in place, is \$300,000. Based on the data, claimants assert that a one-acre parcel for a homesite has a current FMV of \$300,000. County zoning at the time of purchase (1977) allowed creation of one-acre homesites. Claimants believe they could have received approval of nine homesites. Hence, they multiply \$300,000 times the nine homesites they could have created, yielding a value of \$2,700,000. From this value claimants subtract \$300,000 for the asserted fair FMV of the one parcel that is buildable under current regulations. This calculation yields the claimed reduction in FMV of \$2,400,000.

The Conder Memo analyzes the claimant's information and applies two different methods for determining the effect of Metro's action on the value of claimant's property.

A. "Comparable Sales" Method

This method compares the value of the property in its current regulatory setting with its value today as though Metro's action had not happened. The method assumes claimants could have obtained approval for a subdivision at the time claimants made their first purchase in 1977. As explained below in the discussion of the application of the statewide planning goals in 1977, this assumption is doubtful. Nevertheless, the Conder Memo proceeds with this method to demonstrate that, even assuming claimants could have received approval of a nine-lot subdivision in 1977, the current regulatory setting has still not reduced the FMV of their property.

The current regulatory setting is as follows: by Ordinance No. 02-969B, Metro (1) added the property to the UGB; (b) designated the property with the "Inner Neighborhood" 2040 Growth Concept design type designation; and (3) applied a temporary 20-acre minimum lot size to preserve the status quo while the city of Damascus completes the comprehensive planning necessary to allow urbanization of the previously rural (outside the UGB) land. Had Metro's action not happened, the property – given a waiver by Clackamas County – would be outside the UGB under the RA-1 (Residential-Agriculture, one-acre minimum lot size) zoning that applied at the time of claimants' acquisition of the property.

The comparable sales that claimants provide, for reasons explained in the Conder Memo, do not accurately reflect the values with or without Metro's regulatory action. Data generated by Metro's Data Resource Center and analyzed in the Conder Memo provide an accurate assessment of values. ATTACHMENT 3 is a map showing the sample area of 2004-2005 sales data used by Metro Data Resources Center in its analysis.

Table 4 of the Conder Memo compares today's values of the property with and without Metro's action, adjusting in both cases for costs of development and limitations on development of the site that a prudent investor would take into account. The comparison offers a range of lots and lot sizes to reflect the lack of precise information about site limitations. The table shows that the FMV using the most conservative assumptions under the Inner Neighborhood designation inside the UGB slightly exceeds the highest FMV under RA-1 zoning outside the UGB. With less conservative assumptions, the value under the Inner Neighborhood designation greatly exceeds the value under RA-1 zoning.

B. The Plantinga/Jaeger Method

This method assumes that claimants' purchase price in 1977 accurately reflected the development opportunities allowed by the RA-1 zoning that then applied. The method "indexes" that value to the present and compares the indexed value with today's value under the current regulatory scheme. If the indexed value of the purchase price exceeds the value of the property in today's regulatory setting, this methodology says the regulation has reduced the FMV of a claimant's property.

The Conder Memo applies this method using the claimant's purchase prices (two tracts) of 9.32 acres at \$2,000 per acre and 2.02 acres at \$2,500 per acre. The Memo uses four different indices to measure the increase in the value of the property over time. Table 3 shows that, regardless of the index chosen, the value of claimant's property under today's regulations exceeds the indexed value.

C. The Statewide Planning Goals

As noted above, at the time claimants acquired the subject property (1977), Clackamas County zoned the property RA-1, Rural Agriculture – 1 Acre. The claimants assert that they could have divided their 11.34-acre parcel into nine lots under RA-1 zoning, and bases the valuation of his property on this assumption. This assumption, however, is incorrect.

The statewide planning goals were adopted by the Land Conservation and Development Commission and became effective on January 25, 1975. As of the time claimant acquired the subject property in 1977, LCDC had not yet acknowledged the Clackamas County Comprehensive Plan or its zoning ordinances. Thus, the goals applied directly to claimants' property when they bought it. Given the soils on the property, it was subject to Goal 3 (Agricultural Lands) and 4 (Forest Land), among other goals. Had claimants applied to the county for approval of a nine-lot subdivision, the county would have had to apply state-wide planning Goals 3 and 4 to the application. Given that neither goal would have permitted the land division, the county would have had to deny it.

Claimants' assumption, therefore, that the FMV of their property should be based upon their ability to divide it into nine homesites is not supported by the regulations in place at the time of their acquisition.

Conclusions of Law

The facts and analyses indicate that Metro's action to bring claimants' land into the UGB, designate it Inner Neighborhood (allowing high-density residential development), and apply a 20-acre minimum lot size temporarily while planning is completed did not reduce the FMV of their property.

5. Exemptions under ORS 197.352(3)

Findings of Fact

Section 3.07.1110 C of the Metro Code does not restrict or prohibit a public nuisance, the selling of pornography or nude dancing, is not intended to protect public health or safety, and is not required to comply with federal law.

Conclusions of Law

Section 3.07.1110 C of the Metro Code is not exempt from Measure 37 under ORS 197.352(3).

6. Relief for Claimant

Findings of Fact

The Metro Council has appropriated no funds for compensation of claims under Measure 37. Waiver of Metro Code Section 3.07.1110 C to the subject property will allow the claimant to apply to the City of Damascus to divide the subject property into one acre lots and to develop a single family dwelling on each lot that does not already contain a dwelling. The effect of development as proposed by the claimant will be to reduce the residential capacity of the City of Damascus and of the UGB. It would also make provision of urban services less efficient and more complicated.

Conclusions of Law

Based on the record, the claimant has not established that he is entitled to relief in the form of compensation or waiver of the interim 20-acre minimum lot size requirement under Metro Code Section 3.07.1110 C.

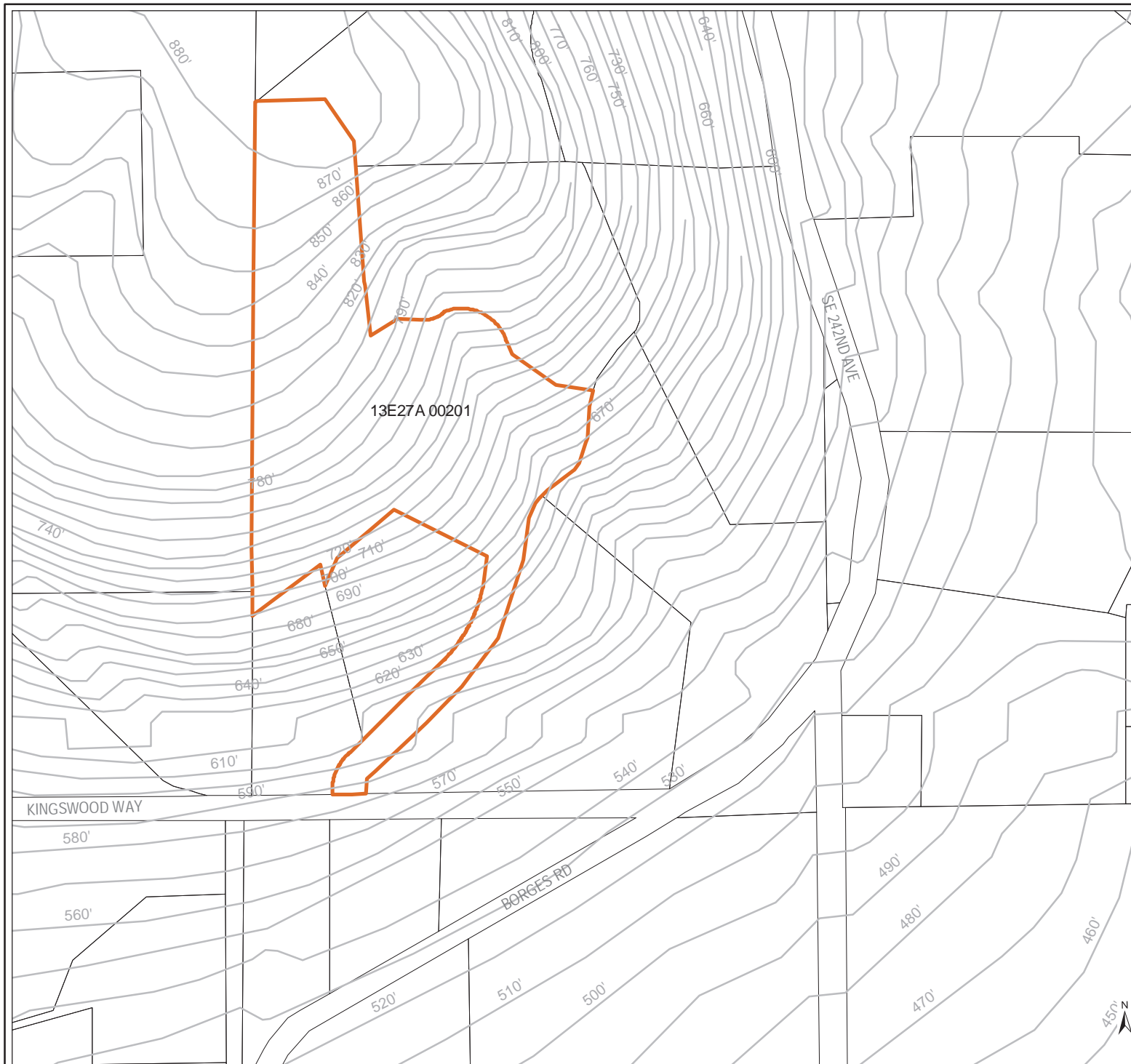
ATTACHMENTS TO THE REPORT OF THE CHIEF OPERATING OFFICER

Attachment 1: Site Map of Roger and Ann Miracle Property

Attachment 2: Metro Memorandum to Paul Ketcham and Richard Benner from Sonny Conder and Karen Hohndel, "Valuation Report on the Roger and Ann Miracle Measure 37 Claim," dated May 19, 2006

Attachment 3: Sample Area of 2004-2005 Sales Data for Damascus UGB Expansion Area and One Mile Buffer, Clackamas County, OR

Attachment 4: Roger and Ann Miracle Measure 37 Claim Submittal to Metro



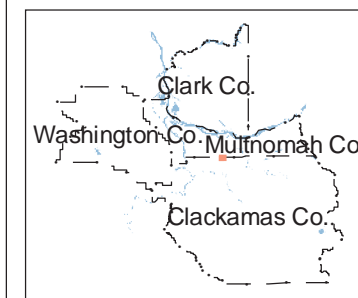
Resolution No. 06-3706
Attachment 1 COO Report

Site Map Miracle Measure 37 Claim

 Subject Property

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

1 inch equals 0.06 miles
0 50 100 Feet



Location Map



METRO DATA RESOURCE CENTER
600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232-2736
TEL (503) 797-1742 FAX (503) 797-1909
drc@metro.dst.or.us | www.metro-region.org

Resolution No. 06-3706
Attachment 2: Report of the Chief Operating Officer

M E M O R A N D U M

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1794



May 19, 2006

To: Paul Ketcham
Richard Benner

From: Sonny Conder
Karen Hohndel

Subject: Valuation Report on the Roger & Ann Miracle Measure 37 Claim

Conclusion:

Per your request we have conducted a valuation analysis of the Miracle Measure 37 Claim. We conclude that the Metro action of including the property inside the UGB, designating it "Inner Neighborhood" and imposing a temporary 20 acre minimum lot size for development has not produced a material loss of value for the subject property¹. On the contrary, compared to development in a rural residential setting on 1 acre lots, the action is more likely to have resulted in a material gain in property value.

Conceptual Understanding for Basis of Property Value Analysis:

We understand the present Measure 37 valuation problem to consist of making two property value estimates. These are:

1. Estimate the current market value of the property subject to the regulation that the claimant contends has reduced the value of his property.

¹ We use the term "material" in the accounting/auditing sense that given the statistical variability inherent in the data there is no difference between two measurements of land value.

2. Estimate the current market value of the property in the absence of that regulation, and with the zoning that applies following the waiver granted by the City of Damascus.

Metro Ordinance No. 02-969B applied a set of new regulations to the claimant's property. First the ordinance brought claimant's property into the region's urban growth boundary, making the property eligible for urban high-density development rather than rural low-density development. Second, the ordinance designated the property "Inner Neighborhood", the higher density residential designation in Metro's 2040 Growth Concept. Third the ordinance applied a temporary 20-acre minimum lot size to protect the status quo while local governments complete amendments to comprehensive plans to allow urban development. Within this overall framework any particular property may have a substantial range of housing types and lot sizes. Implicit in this design designation is the availability of urban level capital facilities including sanitary sewers, storm water retention and management, water distribution, streets, roads, parks and other infrastructure and services associated with urban living. All development is assumed to occur in compliance with all health and safety regulations.

The default land use is the Clackamas County designation of RA-1. This land use designation is a rural designation allowing one dwelling unit per acre. All development under RA-1 must conform to applicable health and safety regulations. Most significant is that the reference default land use must be outside the present UGB in a rural setting. While seeming to be a subtle distinction, the requirement of a rural setting outside the UGB is conceptually pivotal to the valuation. To use RA-1 or equivalent land inside the UGB as a basis for valuation includes the property value increasing amenity effects of urban services and infrastructure. It is logically contradictory to argue that inclusion inside the UGB and designation of the land for urban purposes has reduced a property's value but to include those very effects in the estimate of the property value without the subject action.

Alternative Method of Computing Property Value Loss Resulting From Regulation

Estimating loss of property value using the usual appraisal method of "comparative sales" has been the subject of substantial criticism. Andrew Plantinga and William Jaeger², economists at OSU, have written papers pointing out that using the method of

² Andrew Plantinga, *Measuring Compensation Under Measure 37: An Economist's Perspective*, Dec. 2004, 15 pages. (Available at OSU Department of Agricultural and Resource Economics, URL: plantinga@oregonstate.edu). William K. Jaeger, *The Effects of Land Use Regulations of Land Prices*, Oct. 2005, 38 pages. (Available at OSU Department of Agricultural and Resource Economics, URL: wjaeger@oregonstate.edu).

comparative sales does not compute the loss due to regulation. Rather the estimated “value loss” is actually the gain resulting from obtaining an exemption to the general rule. To better understand their arguments, we may think of the comparative sales method of determining an economic loss as equivalent to determining the value of issuing someone a special license or franchise to carry out an economically valuable function that others may not do. For instance, licenses to operate taxi cabs in New York are seldom issued and in great demand. As a result the license itself has acquired substantial economic value. An example closer to home is the value of an Oregon Liquor License prior to more liberal issuing standards in the 80’s. In the 1950’s through roughly the 70’s, an Oregon Liquor License for a restaurant or bar vastly increased the property value of the establishment that had one. Plantinga and Jaeger argue that the value of the property hinges on scarcity resulting from regulation. If everyone had a taxi cab or liquor license, they would have no value. From an economic perspective, using a method that really measures value gained from regulation is not the same as determining economic loss resulting from regulation.

Plantinga and Jaeger go on to suggest an economically appropriate measure of loss resulting from subsequent land use regulation. Their method is grounded in the well established and tested Theory of Land Rent. Simplified a bit the Theory of Land Rent holds that the value of land at any particular time is the future net profit from the land used in its most efficient allowable use. The market also adjusts (discount factor) this value to account for time and uncertainty as to future uses. What this means is that the original sales price incorporates future expectations about how the land might be used. If we take the original sales price and bring it up to the current date by using an appropriate price index, we are able to measure in today’s prices what the land was worth when it was purchased under the original regulatory requirements.

The above procedure yields an estimate of the original value of the property in today’s dollars. We can then compare that estimate to the market worth of the property with the new regulation. If the adjusted original estimate exceeds the present market value, then the owner has experienced a loss. If the adjusted original estimate is equal to or lower than the property value under the new regulation, then the owner has experienced no loss.

This method allows a consistent computation of property loss due to subsequent regulatory changes. At the same time it avoids awarding particular property owners a bonus that was not anticipated in the original purchase price. Owners are compensated

Also: William K Jaeger, *The Effects of Land-Use Regulations on Property Values*, **Environmental Law**, Vol. 36:105, pp. 105 – 127, Andrew J. Plantinga, *et. al.*, *The effects of potential land development on agricultural land prices*, **Journal of Urban Economics**, 52, (2002), pp. 561 – 581. and Sonny Conder and Karen Hohndel, *Measure 37: Compensating wipeouts or insuring windfalls?*, **Oregon Planners’ Journal**, Vol. 23, No 1. Dec. – Jan 2005. pp. 6 – 9.

Resolution No. 06-3706
Attachment 2: Report of the Chief Operating Officer

for what they lost; but they are not awarded an extra benefit owing to unanticipated growth, infrastructure investment or regulatory changes.

Since the Plantinga-Jaeger approach represents a consistent and fair method of evaluating economic loss to property resulting from regulation, we are also valuing property claims according to their suggested method.

Property Valuation Analysis Procedure:

Our property valuation analysis procedure consists of the following steps.

- Briefly describe the property and make a prudent assessment of development limitations to establish a likely range of residential capacity under both “Inner Neighborhood” and RA-1 designations assuming health and safety regulations are enforced.
- Based on recent sales (2005) of lots and existing properties inside the Damascus expansion area determine the current (2006) value of the property with a reasonable range of “Inner Neighborhood” development configurations including a 10 year discount factor for lag time in service provision.
- Based on recent sales (2005) of property in a buffer zone extending 1 mile outside the present UGB within Clackamas County determine the value of residential property on lots of .5 to 1.5 acres in size. This procedure establishes a reasonable range of values for residential properties of RA-1 configuration in a rural setting.
- Provide an alternative valuation of the Roger Miracle property based on an adjustment to original sales value that has been advocated by OSU Economists Andrew Plantinga and William Jaeger.
- Evaluate the lot value and home value comparables submitted as evidence with the Roger Miracle Measure – 37 claim. Comment on whether those estimates are logically relevant to establish a Measure –37 property value loss assertion.
- Provide and compare estimates of the value of the subject property as of 2006 with Metro’s “Inner Neighborhood” designation versus Clackamas County’s RA-1 designation.

Roger Miracle Property Description:

The subject property consists of 11.34 acres immediately north of Kingswood Way the 235th block in the community of Damascus. Clackamas County Assessor data show it as a 11.34 acre parcel with no structures. Assessor appraised value as of 2005 is \$169,871. Data submitted with the claim indicate 9.32 acres of the property was purchased in 1977 and 2.02 acres purchased in 1980. Purchase prices were \$2,000 per acre for the 9.32 acres and \$2,500 per acre for the 2.02 acres.

Visual inspection from Kingswood Road and the access road on to the property and air photo inspection as well as relevant GIS data indicate that the property poses substantial limitations to development; the full extent of which would require sanitation, geotechnical and civil engineering professionals to fully delimit and elucidate. The salient limiting feature for development on the property are the steep slopes comprising upwards of 5 acres of the property. In addition single family

dwellings have already been constructed on several lots at the base of the slope and adjoining the property on the southwest. Steep slopes constitute a limiting factor for both the “Inner Neighborhood” and RA-1 land use designations. Visual inspection of the property substantiates that it should be considered view property as it has wide vistas to the south and east.

Again, it is not in our professional capacity to assert with authority any definitive estimate of what the site limitations are; but rather to reflect what any prudent property investor must consider when pricing raw land. This holds true for both Metro’s “Inner Neighborhood” and the default use of RA-1.

Dwelling Unit Capacity Estimates:

For purposes of determining “Inner Neighborhood” capacity we assume that all land between the 620 and 800 foot contours are not buildable. This reduces buildable land for “Inner Neighborhood” to 5.7 acres. For RA-1 it may be conceivable to use another 1.3 acres of the 750 – 800 foot contour on the eastern side of the property assuming home sites are sited within the highest contours. This yields 7 buildable acres for the RA-1 designation.

Based on similar terrain and developments in the UGB expansion area within the City of Happy Valley we calculate that with “Inner Neighborhood” given a range of lot sizes of 5,000 – 12,000 sq. ft., 4 – 6 lots per acre could be constructed on the buildable acreage. This assumes urban level infrastructure and design flexibility in lot shape and structure placement on the lot.

For the RA-1 designation we assume by definition 1 unit per buildable acre. In sum we expect the property with Metro’s Inner Neighborhood designation to yield 23 (4 times 5.7 acres) to 34 (6 times 5.7 acres) residential lots ranging from 5,000 to 12,000 sq. ft. in size. The RA-1 designation yields 7 buildable rural lots of 1 acre in size.

Current Value Estimate of “Inner Neighborhood” Buildable Lots in Damascus Expansion Area:

In order to establish a reasonable range of lot values for developing urban areas with infrastructure and nearby urban services, we evaluated all recent sales (year 2005) of land and lots within the Damascus UGB expansion area. As detailed in relevant data file and confirmed by the Clackamas County Assessor’s office, one area is under development. It consists of 38 acres that was included in the expansion area and annexed to Happy Valley. Data indicate that 152 lots of 7000 – 10000 sq. ft. have been sold for \$22.6 million for an average of \$149,000 per lot. The lot price range was from \$127,000 to \$175,000. The lots in question are ready to build lots with complete urban services inside the City of Happy Valley. They were also designated “Inner

Neighborhood” when included within the UGB and subsequently zoned to R10 by the City of Happy Valley.

Since these lots were located in the urbanized, extreme western portion of the expansion area, we also examined 97 SFR year 2005 sales of properties designated Inner Neighborhood within the entire expansion area. Many of these sales occurred on properties that remain substantially rural in character without full urban services. Relevant summary results are in Table 1 below.

Table 1: Summary Property Value Data – Damascus Area Residential Sales

| | |
|---------------------|---------------|
| Average Lot Size: | 1.02 acres |
| Median Lot Size: | 0.95 acres |
| Average Lot Value: | \$119,000 |
| Median Lot Value: | \$124,000 |
| Average Total Prop. | \$300,000 |
| Median Total Prop. | \$288,000 |
| Average House Size: | 2,450 Sq. Ft. |
| Median House Size: | 2,350 Sq. Ft. |

When we adjust for lot size, view property and the availability of full urban services, the data support a lot value range of \$150,000 to \$175,000 per buildable lot in 2005 dollars for “Inner Neighborhood” type development on the subject property. This value range encompasses a range of housing types and neighborhood conditions.

Current Value Estimate of “RA-1 Buildable Lots” in the 1 Mile Buffer Area Outside the UGB:

To establish the value range for “RA-1” size lots within the Clackamas rural area we selected all residential properties that sold in 2004 and 2005 within the 1 mile buffer zone with a lot size of .5 to 1.5 acres. These comprised 165 properties and their summary statistics are included below in Table 2.

Table 2: Summary Property Value Data – Clackamas Rural Residential (“RA-1”)

| | |
|---------------------|---------------|
| Average Lot Size: | 0.93 acres |
| Median Lot Size: | 0.96 acres |
| Average Lot Value: | \$145,000 |
| Median Lot Value: | \$120,000 |
| Average Total Prop. | \$347,000 |
| Median Total Prop. | \$285,000 |
| Average House Size: | 2,550 Sq. Ft. |

Median House Size: 2,400 Sq. Ft

For purposes of valuation we need to adjust for view property. If we look at 80% of maximum value, we arrive at roughly \$175,000 per lot. Taking 90% of the range yields approximately \$225,000 per lot. We note that a 2 acre daughter lot where a home is now under construction was sold in October 2004 for \$125,000. On the assumption that this is high value view property we shall assume a range of \$175,000 to \$225,000 per buildable 1 acre lot for RA-1 rural locations. In so doing we point out that the assumed range is substantially higher than our current sample and generally higher than surrounding properties on 2 - 7 acre lots with comparable views.

Alternative Valuation of Miracle Property Using Method Suggested by Plantinga and Jaeger.

OSU economists Andrew Plantinga and William Jaeger have challenged the “comparable sales” approach of traditional appraisal methods. They have pointed out that it really measures the value obtained by an exception to the current rule; rather than a measure of economic loss suffered as a result of government land use regulation. As an alternative test they propose indexing the price that the property was purchased for to the present time using an appropriate index of property value, investment or consumer price change. Explicit to this suggestion is the Theory of Land Rent which holds that the price paid for land capitalizes reasonable expectations about its future use. If the initial purchase price anticipated a more intense future use, the indexed price should exceed the current market price under the revised land use regulations. If the revised land use regulations are consistent with or exceed the expectations contained in the original purchase price, then the current market price will equal or exceed the indexed price.

Accordingly, we have computed from published sources four value change indices for the period 1977 through 2005. In 1977 the value of the 9.32 acres of raw land amounted to \$2,000 per acre and the 1980 value of 2.02 acres amounted to \$2,500 per acre. Table 3 below converts that value per acre to current 2005 dollars using 4 different value change indices.

**Table 3: Miracle Property Value per Acre Given Market Expectations of Purchase Price
(Plantinga-Jaeger Method)**

Sale One 9.32 Acres 1977:

| Index ³ | 77 Value | 2005 Value | Ratio | Value Per Acre 2005 \$ |
|--------------------|----------|------------|-------|------------------------|
| Port/Van CPI | 61.6 | 197.7 | 3.21 | \$6,420 |
| House Value Index | 40.4 | 241.5 | 5.97 | \$11,940 |
| Lot Value Index | 13.5 | 120.0 | 8.89 | \$17,780 |
| S&P500 Stock Idx | 95.1 | 1181.4 | 12.42 | \$24,840 |

Sale Two 2.02 Acres 1980:

| Index | 80 Value | 2005 Value | Ratio | Value Per Acre 2005 \$ |
|-------------------|----------|------------|-------|------------------------|
| Port/Van CPI | 87.2 | 197.7 | 2.26 | \$5,650 |
| House Value Index | 62.9 | 241.5 | 3.84 | \$9,600 |
| Lot Value Index | 18.8 | 120.0 | 6.38 | \$15,950 |
| S&P500 Stock Idx | 121.7 | 1181.4 | 9.71 | \$24,275 |

Weighted Average Value:

| Index | Value Per Acre 2005 \$ |
|-------------------|------------------------|
| Port/Van CPI | \$6,283 |
| House Value Index | \$11,523 |
| Lot Value Index | \$17,454 |
| S&P500 Stock Idx | \$24,739 |

All indices except the S & P 500 stock price index are for the Portland Vancouver area. The lot price index uses East Portland values for 1979 and Damascus/Happy Valley values for year 2005. The S & P index is the raw price index; not the real price index which is adjusted for inflation.

Depending on one's philosophy of an appropriate rate of investment return the Miracle Property raw land value per acre should vary between \$6,300 and \$24,700.

Evaluation of Miracle Claim of Comparable Properties

The basis for the Miracle property value loss claim rests on a market value estimate of \$300,000 per developed, ready to build lot assuming 9 buildable lots are available on the property. From this total is subtracted \$350,000 to account for the one buildable lot of 11.34 acres currently permitted. To support the estimate of \$300,000 per buildable lot, 7

³ The Portland – Vancouver Consumer Price Index is for all urban consumers from the Metro Regional Data Book, p. 73. The House Value Index is from the Metro Regional Data Book, p. 95. The Lot Value Index is taken from The Real Estate Report of Metropolitan Portland, Vol. 69, (Autumn 1989) and from Metro RLIS data on taxlots. The S&P 500 Stock Index is from Microsoft Internet Explorer, Wikipedia, the free encyclopedia, S&P500 URL: <http://en.wikipedia.org>

properties are submitted as comparable⁴. Of the 7, 6 of these properties are located inside of the Urban Growth Boundary. 6 are located within either Happy Valley or Gresham and all occupy prestige neighborhood locations with hilltop views or sweeping vistas. Examination of the Miracle property reveals the site as potentially a prestige neighborhood with a view and potential amenities. However, RA-1 is the rural default land use and can not include urban design amenities. Even areas with view locations in rural areas have property values well below similar areas within urban settings. Whether the area evolves into a prestige urban neighborhood with full amenities remains problematic. As the data in Table 1 underscore, lot values are presently well below the \$300,000 per lot level.

Significant in the valuation of the Miracle property is the assumption that one may count the increase in value associated with being included within the UGB to assert a loss resulting from being included within the UGB.

Miracle Claim Property Values Compared

Given the data developed in the previous Tables we may now summarize our estimates of the value per acre in 2006 for the Miracle property in its present location. To do so we have followed the procedure below.

1. Assume the entire property of 11.34 acres is purchased but convert the value of raw land to dollars per acre.
2. Assume a cost of providing water, sanitary sewer, drainage, streets and other on site utilities plus SDC's of \$50,000 per buildable lot for both Inner Neighborhood and RA-1.
3. Account for the value of time until the property could actually be developed. In the case of Inner Neighborhood we assume 10 years before development; so we discounted the value at 6.5% per year for 10 years. For RA-1 we assume development within 2 years; so we discounted the value at 6.5% per year for 2 years.
4. Convert the resultant values into the estimate of what a prudent investor would pay in 2006 per acre for the raw land.

Table 4 below depicts the results for low and high range assumptions for both Inner Neighborhood and RA-1.

⁴ Parenthetically, all of these properties are identical to or in the same neighborhoods as the properties that were submitted as comparable in the Darrin Black Claim.

Table 4: Comparison of Estimated Market Value of Raw Land for Inner Neighborhood and RA-1 Land Uses

Inner Neighborhood

| | |
|---|------------|
| Low Yield: | 23 DU |
| Low Range Lot Value: | \$150,000 |
| Development Cost per Lot: | 50,000 |
| Net Raw Land per Lot: | \$100,000 |
| Total Raw Land Value (23x100,000): | \$2,300,00 |
| Current Market Value per acre for 11.34 acres | |
| Discounted 10 years: | \$108,000 |

| | |
|---|-------------|
| High Yield: | 34 DU |
| High Range Lot Value: | \$175,000 |
| Development Cost per Lot: | \$50,000 |
| Net Raw Land per Lot: | \$125,000 |
| Total Raw Land Value (34x125,000): | \$4,250,000 |
| Current Market Value per acre for 11.34 acres | |
| Discounted 10 years: | \$199,700 |

RA-1

| | |
|---|-----------|
| Low Yield: | 7 DU |
| Low Range Lot Value: | \$175,000 |
| Development Cost per Lot: | \$50,000 |
| Net Raw Land per Lot: | \$125,000 |
| Total Raw Land Value (7x125,000): | \$875,000 |
| Current Market Value per acre for 11.34 acres | |
| Discounted 2 years: | \$68,000 |

| | |
|---|-------------|
| High Yield: | 7 DU |
| High Range Lot Value: | \$225,000 |
| Development Cost per Lot: | \$50,000 |
| Net Raw Land per Lot: | \$175,000 |
| Total Raw Land Value (7x175,000): | \$1,225,000 |
| Current Market Value per acre for 11.34 acres | |
| Discounted 2 years: | \$95,200 |

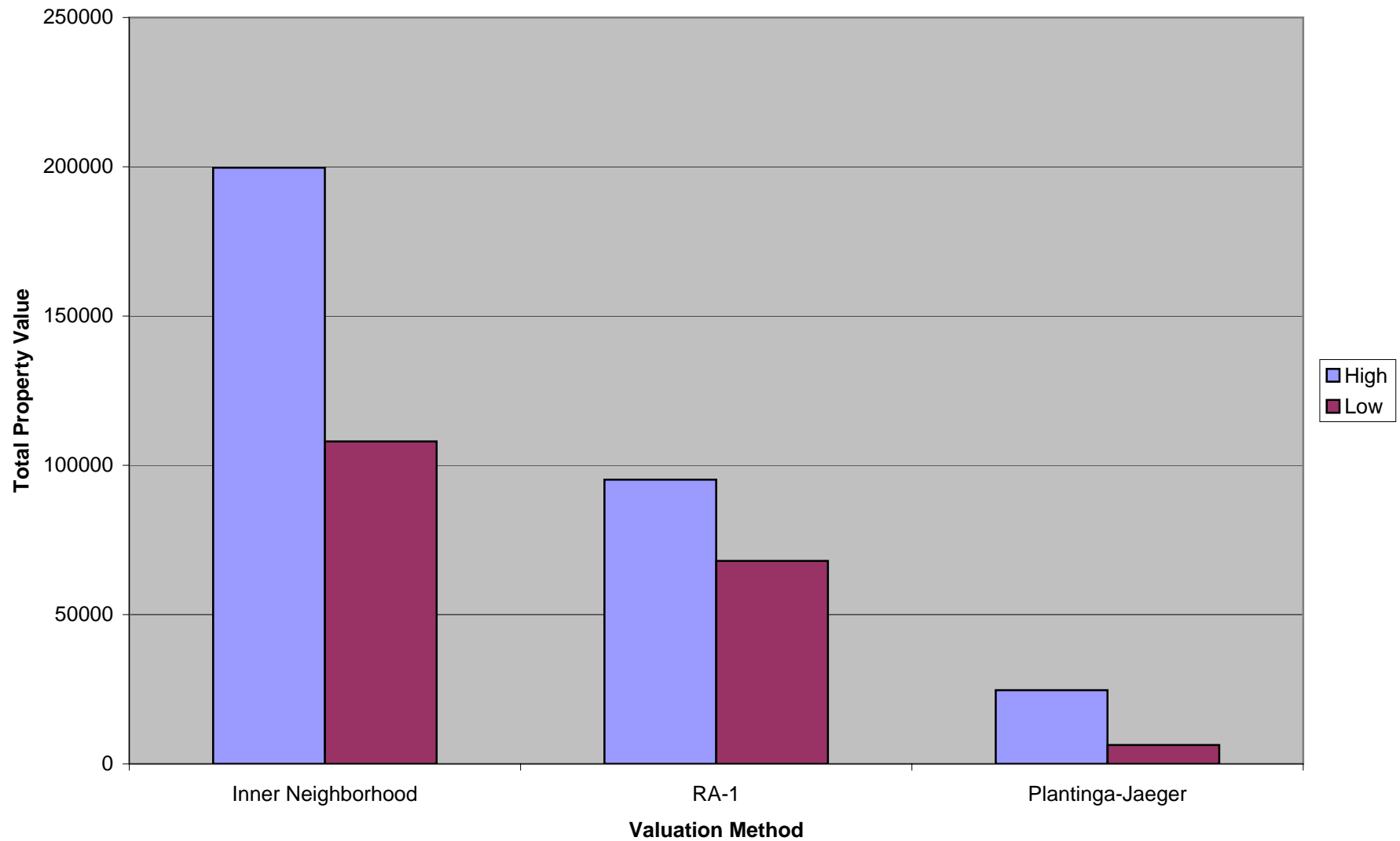
Figure A attached depicts the calculations in Table 4. We estimate the current raw land value of the Miracle property with Inner Neighborhood designation to range from \$108,000 per acre to \$200,000 per acre. The same property used as RA-1 in a rural

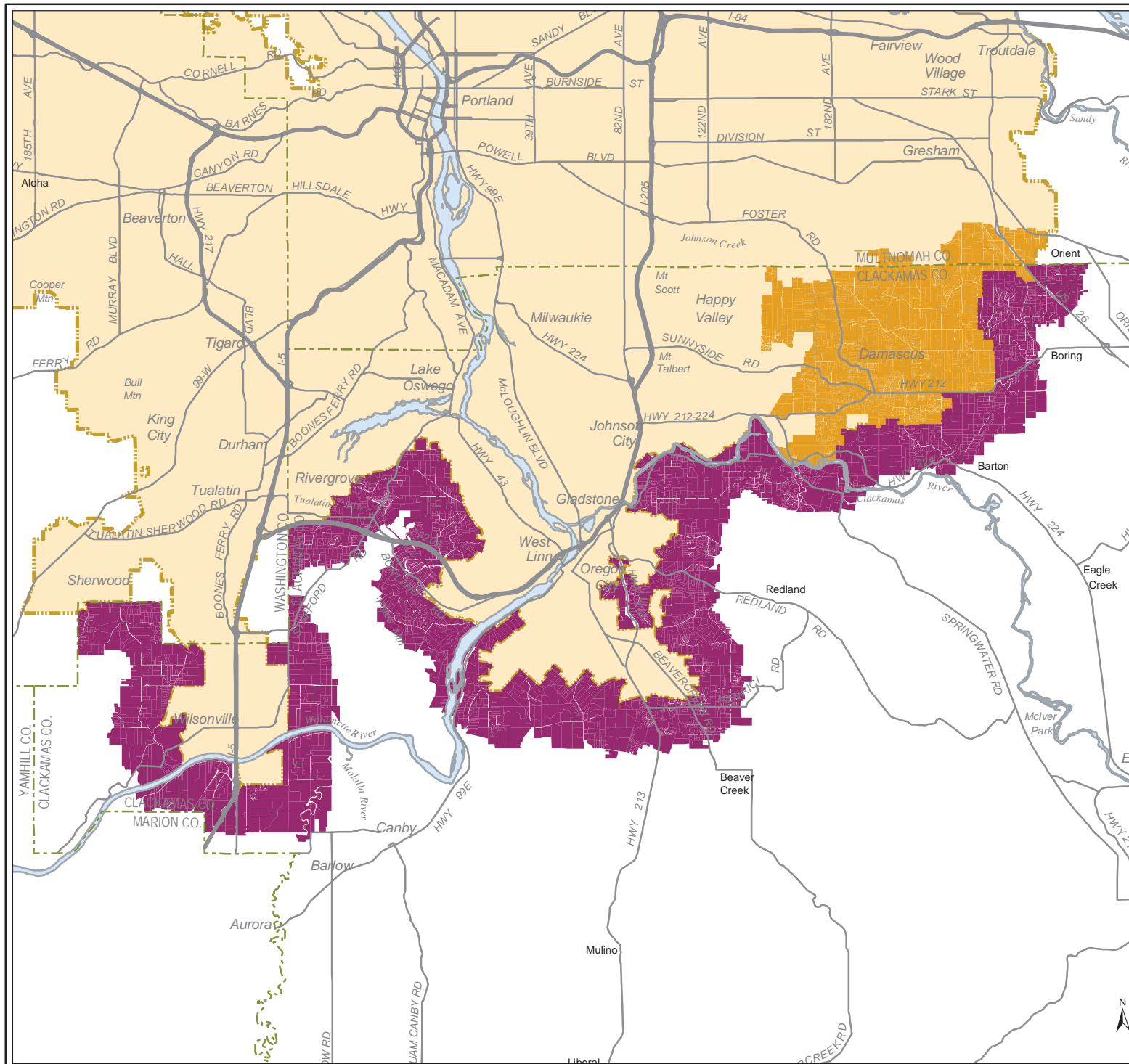
Resolution No. 06-3706
Attachment 2: Report of the Chief Operating Officer

setting would yield \$68,000 to \$95,200 per acre. In other words the most optimistic RA-1 valuation just equals the most pessimistic Inner Neighborhood valuation. Given these results we would conclude that the Inner Neighborhood designation has not reduced the value of the property; quite the contrary it has most likely increased the value.

Moreover, in terms of establishing economic loss the land values per acre established using the Plantinga-Jaeger method range from \$6,300 to \$24,700 per acre. The highest Plantinga - Jaeger estimate is below the lowest "comparative sales" estimate of RA-1 per acre. Clearly, under no circumstances has any regulatory change to the Miracle property reduced its value. Again, the contrary is the case. Growth, infrastructure investment and regulation necessary to orderly growth have produced increases in property values well in excess of any alternative investment for the Miracle property.

Figure A: Miracle Property Value with Metro, RA-1 and Plantinga-Jaeger Valuation





R L I S

REGIONAL LAND INFORMATION SYSTEM

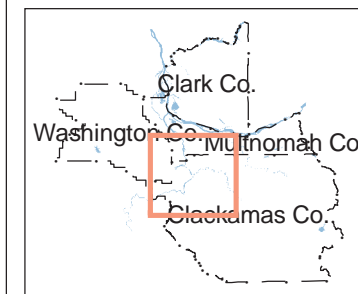
Resolution No. 06-3706
Attachment 3 COO Report

Sample Area of 2004-2005 Sales Data for Damascus UGB Expansion Area and One Mile Buffer, Clackamas County, OR

- Damascus UGB Expansion Area
- One Mile Buffer
- County Line
- Inside Metro UGB

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

1 inch equals 3.31 miles



Location Map



METRO DATA RESOURCE CENTER
600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232-2736
TEL (503) 797-1742 FAX (503) 797-1909
drc@metro.dst.or.us | www.metro-region.org



METRO

Richard P. Benner
Tele: (503) 797-1532
FAX: (503) 797-1792

May 12, 2006

Barton C. Bobbitt
ATTORNEY AT LAW
4380 SW Macadam Avenue, Suite #500
Portland, Oregon 97239-6412

Re: *Miracle M 37 Claim*

Dear Mr. Bobbitt:

Metro is in the midst of evaluating the Measure 37 claim of Roger and Ann Miracle. We are not able to determine the purchase prices of the parcels that comprise the Miracles' ownership from the materials you submitted. This information is important to our analysis of reduction in the fair market value. Please submit some documentation of the purchase prices so we can complete our analysis.

Thank you.

Very truly yours,

Richard P. Benner
Senior Attorney
Office of the Metro Attorney

cc: Paul Ketcham, Metro Planning Department
Karen Hohndel, Metro Planning Department

RPB:kvw
m:\attorney\confidential\7.2.2.16.25\051206bcb.001



METRO

Richard P. Benner
Tele: (503) 797-1532
FAX: (503) 797-1792

March 27, 2008

Barton C. Bobbitt, P.C.
ATTORNEY AT LAW
4380 SW Macadam Avenue, Suite #500
Portland, Oregon 97239-6412

Re: *Measure 37 Claim – Roger & Ann Miracle*

Dear Mr. Bobbitt:

Metro received the claim you filed with Clackamas County on behalf of Roger and Ann Miracle on February 2, 2006. I have enclosed a copy of the Metro claims process, which includes the contents of a claim for filing with Metro.

As I mentioned on the telephone this afternoon, Metro will use the February 2 date as the claim date for the running of the 180 days for processing.

Please call me (503.797.1532) if you have questions about the claims process or the claim itself.

Very truly yours,

Richard P. Benner
Senior Attorney
Office of the Metro Attorney

Enclosure: Claims Process

cc: Dan Cooper, Metro Attorney
Paul Ketcham, Metro Planning Department

RPB:kvw
m:\attorney\confidential\7.2.2.16.25\030806bcb.001

CHAPTER 2.21

CLAIMS UNDER BALLOT MEASURE 37

| SECTIONS | TITLE |
|----------|---|
| 2.21.010 | Purpose |
| 2.21.020 | Definitions |
| 2.21.030 | Filing a Claim |
| 2.21.040 | Review of Claim by Chief Operating Officer and Recommendation |
| 2.21.050 | Hearing on Claim before Metro Council |
| 2.21.060 | Action on Claim by Metro Council |
| 2.21.070 | Conditions on Compensation or Waiver |
| 2.21.080 | Fee for Processing Claim |

2.21.010 Purpose

This chapter establishes a process for treatment of claims for compensation submitted to Metro under Ballot Measure 37. Metro adopts this chapter in order to afford property owners the relief guaranteed them by Ballot Measure 37 and to establish a process that is fair, informative and efficient for claimants, other affected property owners and taxpayers. It is the intention of Metro to implement Measure 37 faithfully and in concert with its other responsibilities, including its Charter mandate to protect the environment and livability of the region for current and future generations.

(Ordinance 05-1087A, Sec. 1.)

2.21.020 Definitions

(a) "Appraisal" means a written statement prepared by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon pursuant to ORS Chapter 674. In the case of commercial or industrial property, "appraisal" additionally means a written statement prepared by an appraiser holding the MAI qualification, as demonstrated by a written certificate.

(b) "Family member" means the wife, husband, son, daughter, father, brother, brother-in-law, sister, sister-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner of

location and street address and township, range, section and tax lot(s) of the property, and the date on which the owner acquired the property interest;

- (3) A written statement signed by all owners of the property, or any interest in the property, consenting to the filing of the claim;
- (4) A copy of any and all specific, existing land use regulations the claimant believes reduced the value of the property and a description of the manner in which the regulation restricts the use of the property;
- (5) A copy of the land use regulation that applied to the property at the time the claimant acquired the property;
- (6) An appraisal that shows the reduction in value of the property that the claimant believes resulted from the land use regulation that restricts the use of the property and the methodology used in the appraisal, such as comparable sales data;
- (7) A description of the claimant's proposed use of the property if the Council chooses to waive a land use regulation instead of paying compensation; and
- (8) A statement whether the claimant is filing claims with other public entities involving the same property.

(c) A claim shall not be considered complete for purposes of subsections (4) and (6) of Ballot Measure 37 until the claimant has submitted the information required by this section.

(Ordinance No. 05-1087A, Sec. 1.)

2.21.040 Review of Claim by Chief Operating Officer and Recommendation

(a) The COO shall review the claim to ensure that it provides the information required by Section 2.21.030. If the COO determines that the claim is incomplete, the COO shall, within 15 business days after the filing of the claim, provide

or conditions apply to the proposed use under the regulation;

- (4) The specific, existing land use regulation that allegedly reduced the value of the property is exempt from Ballot Measure 37 under subsection 3 of the measure; and
- (5) If the specific, existing land use regulation that allegedly reduced the value of the property is not exempt from Ballot Measure 37, the regulation restricts the proposed use and the restriction has reduced the value of the property.

(e) The COO may commission an appraisal or direct other research in aid of the determination whether a claim meets the requirements of Ballot Measure 37, and to assist in the development of a recommendation regarding appropriate relief if the claim is found to be valid.

(f) The COO shall prepare a written report, to be posted at Metro's website, with the determinations required by subsection (b) of this section and the reasoning to support the determinations. The report shall include a recommendation to the Metro Council on the validity of the claim and, if valid, whether Metro should compensate the claimant for the reduction of value or waive the regulation. If the COO recommends compensation or waiver, the report shall recommend any conditions that should be placed upon the compensation or waiver to help achieve the purpose of this chapter and the policies of the Regional Framework Plan.

(g) The COO shall provide the report to the Council, the owner and other persons who request a copy. If the COO determines that the Council adopted the regulation in order to comply with state law, the COO shall send a copy of the report to the Oregon Department of Administrative Services.

(Ordinance No. 05-1087A, Sec. 1.)

2.21.050 Hearing on Claim before Metro Council

(a) The Metro Council shall hold a public hearing on the claim before taking final action. The COO shall schedule the hearing for a date prior to the expiration of 180 days after the filing of a completed claim under Section 2.21.030.

2.21.070 Conditions on Compensation or Waiver

(a) The Metro Council may place any conditions on its action under Section 2.21.060, including conservation easements and deed restrictions, that are appropriate to achieve the purposes of this chapter. The Council shall place a condition on a decision under Section 2.21.060(a)(2) or (3) that the decision constitutes a waiver by the claimant of any further claims against Metro under Measure 37 involving the subject property.

(b) Failure by a claimant to comply with a condition provides a basis for action to recover any compensation made or revoke any action by the Council under Section 2.21.060(a)(2) or (3).

(Ordinance No. 05-1087A, Sec. 1.)

2.21.080 Fee for Processing Claim

(a) The COO may establish a fee to be paid by a person filing a claim at the time the person files the claim. The fee shall be based upon an estimate of the actual cost incurred by Metro in reviewing and processing claims. The COO may waive the fee if the claimant demonstrates that the fee would impose an undue hardship.

(b) The COO shall maintain a record of Metro's costs in reviewing and processing the claim. After final action by the Council under Section 2.21.060, the COO shall determine Metro's total cost and issue a refund to the claimant if the estimated fee exceeded the total cost or a bill for the amount by which the total cost exceeded the estimated fee.

(Ordinance No. 05-1087A, Sec. 1.)

BARTON C. BOBBITT

HOWARD I. BOBBITT
(1912-1999)

BARTON C. BOBBITT, P.C.

ATTORNEY AT LAW
4380 S.W. MACADAM AVENUE
SUITE 500
PORTLAND, OREGON 97239-6412

RESOLUTION NO. 06-3796
DIRECT LINE (503) 517-9202
Attachment 4, COO Report
PHONE (503) 223-2321
FAX (503) 294-6051

EMAIL:BBob924517@AOL.com

February 1, 2006

Via Certified Mail with
Return Receipt Requested

Mr. Michael Jordan, CEO
METRO
600 NE Grand
Portland, OR 97232-2736

Re: Measure 37 Claim - Roger & Ann Miracle

Dear Mr. Jordan:

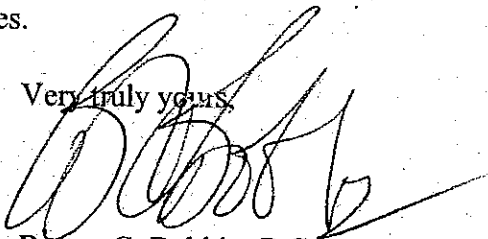
This firm represents Mr. & Mrs. Miracle who are owners of certain property located in Damascus, Oregon. I am enclosing herein an original Measure 37 claim which has been filed with Clackamas County Planning Division and the State of Oregon. I am also enclosing herein a copy of the Staff Report which was adopted by the City Council on December 5, 2005 which provided for a waiver of the restrictions upon the property. The claim was filed with Clackamas County/City of Damascus, on October 3, 2005 and the 180 period provided under Section 4 of Measure 37 will expire on April 2, 2006. The City of Damascus, in their resolution, specifically provided under the additional comments, that:

1. METRO will also have to evaluate a claim for this property. The Urban Growth Management Functional Plan includes restrictions on the development of lands within Portland Metropolitan Urban Growth Boundary that are now planned or zoned for urban growth uses. Therefore, this claim has been submitted to METRO for their evaluation.

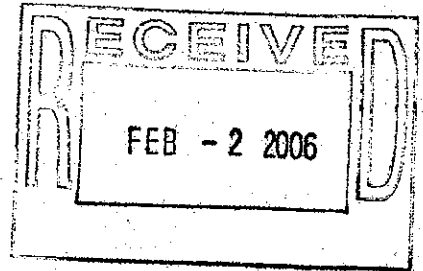
I have also attached to the Measure 37 claim a statement alleging the claim of diminished value because of the effect of the restrictions upon the subject property by the Urban Growth Management Functional Plan.

Thank you for your courtesies.

Very truly yours,



Barton C. Bobbitt, P.C.



Measure 37 Claims Distro List:

☐ Dan Cooper
☒ Dick Benner
☐ Docket-OMA
☐ Lydia Neill

RECEIVED

FEB - 2 2006

BCB/seb
cc: client

OFFICE OF METRO ATTORNEY

C:\Client Files\1215.7Jordan.01.wpd

PLANNING DIVISION STAFF REPORT
TO THE DAMASCUS CITY COUNCIL
MEASURE 37 CLAIM

RECEIVED

NOV 28 2005

CITY OF DAMASCUS

File Number: ZC286-05
Report Author: Jennifer Hughes, Senior Planner
Hearing Date: December 5, 2005
Report Date: November 23, 2005

Claimant(s): Roger and Ann Miracle

Date Filed: October 4, 2005

180-Day Processing Deadline: April 2, 2006

Legal Description: T1S-R3E-SECTION 27A-TAX LOT 201

Location: 9390 SE Kingswood Way, Damascus

Proposal/ Relief Requested: The claimants request compensation in the amount of \$2,400,000 as a result of a reduction in fair market land value caused by the enforcement of land use regulations. In the alternative, the claimants request to divide the subject property into lots with a minimum lot size of one acre and develop a single-family dwelling on each lot.

Ownership History/Date Acquired by Claimant(s): The claimants acquired an ownership interest in 9.32 acres of the subject property through a purchase contract executed on December 30, 1977, and have had a continuous ownership interest since that date. The claimants acquired an ownership interest in the remaining 2.02 acres of the subject property through an addendum to the 1977 purchase contract executed on June 2, 1980, and have had a continuous ownership interest since that date.

Zoning History: The first zoning of the property was Rural (Agricultural) Single Family Residential District (RA-1), applied on September 8, 1964. The property was rezoned Rural Residential Farm Forest 5 Acre on June 19, 1980.

Reduction in Land Value: The claimants assert that the inability to divide the property and develop single-family dwellings has reduced the property's value by \$2,400,000. The claimants have submitted a comparative market analysis to substantiate the reduction in value. This is sufficient to verify that the inability to divide the property to create

additional building lots results in a loss in property value, although the exact amount of the loss is unknown.

Discussion: The subject property is approximately 11.34 acres and is undeveloped.

The property currently is zoned RRFF-5. The RRFF-5 zone typically has an average minimum lot size standard of five acres; however, the subject property is within the Urban Growth Boundary, where the RRFF-5 zone imposes a 20-acre minimum lot size. Even with a five-acre minimum lot size standard, the subject property could not be divided because it is part of a flexible-lot-size partition of a 15.34-acre parcel recorded in 1993. The 15.34-acre parcel was only eligible for division into three parcels under the RRFF-5 zone.

The property was zoned RA-1 when the claimants acquired it in 1977 and 1980. The RA-1 zone has a minimum lot size of one acre.

The current RRFF-5 zoning has resulted in a reduction in land value as compared to the RA-1 zoning in effect when the claimants acquired the property. The facts discussed above demonstrate a valid Measure 37 claim.

Remedy: The City Council must decide whether to compensate for the reduction in value, or modify, remove or not apply the land use regulations that have caused the reduction in value. If permission to divide the property and develop additional dwellings is not granted, the claimant requests compensation of \$2,400,000. The city has no funds allocated to provide compensation.

Recommendation: Based on the facts discussed above, staff recommends the City Council do the following, in order to allow the subject property to be divided into a maximum of 13 lots and to allow a single-family dwelling to be developed on each lot not already containing a dwelling:

- Find the claim valid
- Not apply to the subject property the following land use regulations:
 - Subsection 309.07(D) of the Damascus Zoning and Development Ordinance (minimum lot size standard of the RRFF-5 zone within the Portland Metropolitan Urban Growth Boundary)
 - Subsection 309.08(B) of the Damascus Zoning and Development Ordinance (ZDO) (minimum lot size standard of the RRFF-5 zone)
 - Subsection 902.01.B of the ZDO (minimum lot size restrictions and exceptions)
 - Subsection 1014.04.B (minimum lot size restrictions for flexible-lot-size developments)

- Subsections 1020.04.A and E (lot line adjustment standards)
 - Any provisions of the Comprehensive Plan that can be construed as imposing a minimum lot size that is larger than otherwise allowed by this order
- In review of a specific proposal for development, remove any other land use regulations, other than those exempted by Section 3 of Ballot Measure 37, which have the effect of reducing the number of lots or dwellings otherwise allowed by this order
- Require that approval of a land division shall be subject to the minimum lot size standards of the RA-1 zone in effect on December 30, 1977 for the 9.32 acres acquired on that date and June 2, 1980 for the 2.02 acres acquired on that date
- Require that division and development of the property shall be subject to all other current land use regulations
- Include the following disclaimer in the order, "This decision was rendered pursuant to the requirements of Measure 37. Measure 37 has been ruled invalid by an Oregon Circuit Court, and is being appealed to the Oregon Supreme Court. If the Supreme Court upholds the decision that Measure 37 is invalid, any approvals or denials issued under Measure 37 may be found to be void. If Measure 37 is ruled to be invalid, the landowner may be responsible for all costs relating to reversing the decision, including but not limited to the removal of any structures that were deemed to have been approved contrary to law."

Additional Comments:

1. Metro also will have to evaluate a claim for this property. The Urban Growth Management Functional Plan includes restrictions on the development of lands within the Portland Metropolitan Urban Growth Boundary that are not planned or zoned for urban uses.
2. City approval of a partition (two or three lots) or subdivision (four or more lots) to divide the property must be secured.
3. Approval of a domestic water source, on-site sewage disposal and construction permits (e.g. building, plumbing and electrical) will be required for any new dwelling. A driveway permit may also be required. (Several of these issues will be addressed during partition or subdivision review.)
4. The recommended action does not resolve several questions about the application of Measure 37, including the question of whether the rights granted to the claimants by this decision can be transferred to an owner who subsequently acquires the property.

MEASURE 37 CLAIM

CLACKAMAS COUNTY PLANNING DIVISION
9101 SE SUNNYBROOK BLVD., CLACKAMAS, OREGON 97015
PHONE (503) 353-4500 FAX (503) 353-4550 www.co.clackamas.or.us

FOR STAFF USE ONLY

FILE NUMBER: _____ DATE RECEIVED: _____
STAFF MEMBER: _____ CPO: _____

APPLICANT INFORMATION (PLEASE TYPE OR PRINT IN BLACK INK ONLY)

WHAT IS PROPOSED Request current zoning be waived and original
zoning be restored

LEGAL DESCRIPTION: T_{1S}R_{3E} SECTION 27 A TAX LOT(S) 201
T₁R₃ SECTION _____ TAX LOT(S) _____

(ADDITIONAL) _____

NAME OF CONTACT PERSON Roger J. Miracle
MAILING ADDRESS 806 SW Wilson Court
CITY Gresham STATE OR ZIP 97080
PHONE (503) 667 4330 ; CELL PHONE Work Phone 503 661 9010

PROPERTY OWNER(S) (The name, address and telephone number of all owners, including their signatures, must be provided. In the event there are more than 3 property owners, please attach additional sheets. Please print clearly)

OWNER 1 Roger J. Miracle
SIGNATURE Roger J. Miracle
ADDRESS 806 SW Wilson Court
CITY Gresham STATE OR ZIP 97080
PHONE 503 667 4330 CELL PHONE Work Phone 503 661 9010

OWNER 2 Ann M. Miracle
SIGNATURE Ann M. Miracle
ADDRESS 806 SW Wilson Court
CITY Gresham STATE OR ZIP 97080
PHONE 503 667 4330 CELL PHONE 503 975 4330

OWNER 3 _____
SIGNATURE _____
ADDRESS _____
CITY _____ STATE _____ ZIP _____
PHONE _____ CELL PHONE _____

12/2/2004

MEASURE 37 CLAIM **SUPPLEMENTAL INFORMATION**

(Attach additional sheets as necessary to complete this supplemental portion of the claim)

1. **Other persons with an interest in the property (such as lien holders):** Please provide a list of the name, address and phone number of anyone with an interest in the property, and identify their interest.

NONE

2. **Exact date the current owner acquired the property?** December 30, 1977 *

*See attached letter of explanation

3. **If the current owner acquired the property from a family member, what is the exact date the family member acquired the property?**

N/A

If there is more than one event where the property was acquired from a family member, such as a series of inheritances, please provide a list of all such events and their dates.

N/A

4. **What regulation (if more than one, please describe) do you believe lowered the value of your property? When did the regulation take effect?**

The change in zoning laws in 1979 effectively changed my original purchase
of 13.26 acres from one acre parcels to current 5-acre minimums.

5. **Please describe how this regulation(s) restricts the use of the property and reduces the property's fair market value.** Under current zoning I have one building
site. With zoning restrictions waived I will have one acre parcels which will have
a much greater value.

12/6/2004

6. **How much has the fair market value of your property been reduced by enactment or enforcement of the regulation(s)?** Approximately \$2.4 million*

* See attached Market analyses

7. **Are you requesting compensation, or removal of the regulation(s), modification of the regulation(s), or a decision not to apply the regulation(s)?**

If you are requesting monetary compensation, please indicate how much and how you calculated this sum. *[Please note that the County has exclusive authority to choose whether to pay monetary compensation, or remove, modify or not apply the regulation(s) causing a valid claim.]*

We are requesting that said property be returned to original zoning

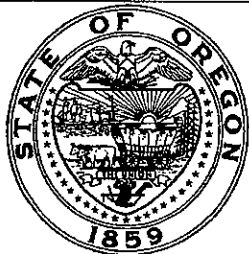
8. **Are you requesting that a specific use be allowed? Please describe the use.**

We are requesting zoning be changed to original state which would allow one-acre buildable parcels.

9. **The following additional material must be submitted with the application:**

- a. **A real property appraisal performed by a licensed or certified appraiser licensed in Oregon; the appraisal must meet the Uniform Standards of Professional Appraisal Practice and the requirements of County's Measure 37 Claims Process Ordinance;**
- b. **A title report issued no more than 30 days prior to the submission of the claim that reflects the ownership interest in the property, or other documentation proving ownership of the property;**
- c. **Copies of any leases or covenants, conditions and restrictions applicable to the property and any other documents that impose restrictions on the use of the property;**
- d. **Claims processing fee – \$750.00**

12/6/2004



M37 Claim Form

INSTRUCTIONS FOR SUBMITTING A CLAIM

This form requests specific information that is required of a claimant by OAR 125.145.0010-.0120. A Claimant must fully complete each box of the claim form and provide all information and evidence to support the claim. In lieu of completing each box or section on this form, a Claimant may attach supplemental documents to provide the requested information. Attached documents shall not be used to complete section 1 and 2, or any section which requires a signature.

- Claims may only be submitted by an Owner or an Authorized Agent of the Owner.
- Claims may only be submitted; in person; by private carrier; by U.S. Postal Service Certified or by Registered Mail to:
Risk Management-State Services Division, 1225 Ferry St. SE, U160, Salem OR 97301- 4292
- Only Original Signed Claims will be accepted, claims submitted electronically or by facsimile, will not be accepted.
- Attach *separate sheet of paper* as needed, with reference to the appropriate **Section number on this form.**
- Claim criteria/requirements may be found in Oregon Administrative Rules 125.145.0010 – 0120

Section 1 NAME AND CONTACT INFORMATION OF CLAIMANT/PROPERTY OWNER

Enter the name and contact information of the PRIMARY property owner who is submitting the claim.

| | |
|---|---------------------------------------|
| Name of Claimant: <u>ROGER J. MIRACLE</u> | Day Time Phone #: <u>503 661-9010</u> |
| Address: <u>806 SW WILSON CT.</u> | |
| City: <u>GRESHAM</u> | State: <u>OR</u> Zip: <u>97080</u> |

Section 2 NAME AND CONTACT INFORMATION OF PERSON SUBMITTING CLAIM (AGENT)

Enter the name and contact information of the person who is sending the claim for the property owner if different than the name in Section 1 above.

| | |
|---|-------------------|
| Name of Agent: | Day Time Phone #: |
| Address: | |
| City: | State: Zip: |
| Must attach a written notarized statement signed by the owner(s) or a Power of Attorney properly authorizing submittal of this claim. | |
| Attachment: Yes <input type="checkbox"/> No <input type="checkbox"/> | |

Section 3 NAMES AND CONTACT INFORMATION OF OTHERS WITH INTEREST IN THIS PROPERTY

Enter the name and contact information of every person or entity who has an interest in the property. This includes but is not limited to:

- (a) Every lessee and lessor of the Property;
- (b) Every person or entity holding a lien against, or a security interest in, the Property;
- (c) Every person or entity holding a future, contingent, or other interest of any kind in the Property.

This could be other owners, banks, mortgage companies, state or federal agencies or entities, programs specific to the use of the property and any and all others with any interest in the property. Some examples could be; a USDA program providing funds for an owner not to grow a particular crop on the land, banks with second third or other mortgage interest. If using an attachment, the attachment must be submitted in such a format as to easily distinguish the various owners and interest in the property.

| | | | | | | | |
|--------------------------------|-------------------|--|--------|-------------------|--------------|------|-------|
| Name: | ANN M. MIRACLE | | | Day Time Phone #: | 503 661-9010 | | |
| Address: | 806 SW WILSON CT. | | | | | | |
| City: | GRESHAM | | State: | OK | | Zip: | 97080 |
| Describe Interest in Property: | | | | | | | |

| | | | | | | | |
|--------------------------------|--|--|--------|-------------------|--|------|--|
| Name: | | | | Day Time Phone #: | | | |
| Address: | | | | | | | |
| City: | | | State: | | | Zip: | |
| Describe Interest in Property: | | | | | | | |

| | | | | | | | |
|--------------------------------|--|--|--------|-------------------|--|------|--|
| Name: | | | | Day Time Phone #: | | | |
| Address: | | | | | | | |
| City: | | | State: | | | Zip: | |
| Describe Interest in Property: | | | | | | | |

| | | | | | | | |
|--------------------------------|--|--|--------|-------------------|--|------|--|
| Name: | | | | Day Time Phone #: | | | |
| Address: | | | | | | | |
| City: | | | State: | | | Zip: | |
| Describe Interest in Property: | | | | | | | |

| | | | | | | | |
|--------------------------------|--|--|--------|-------------------|--|------|--|
| Name: | | | | Day Time Phone #: | | | |
| Address: | | | | | | | |
| City: | | | State: | | | Zip: | |
| Describe Interest in Property: | | | | | | | |

Section 4 PROPERTY FROM WHICH THE CLAIM DERIVES

Enter the location of the property, all contiguous property, upon which the claim is based. This description is by street address, legal description, and other descriptors which allow a concise description of the property allowing its location, size, and other physical attributes to be ascertained. Attachment if Applicable ☐

| | | | |
|--|---|---------------|--|
| Street Address: if applicable 9390 SE KINGSWOOD WAY | | City: GRESHAM | |
| County: CLACKAMAS | State: OR | Zip: 97080 | |
| Tax Lot #: 201 | County Tax Assessor's Map Reference # & Date: | | |
| Township: 1 SOUTH | 153E27A 8-22-01 | | |
| Range: 3 EAST | Section: 27A | | |
| Other Legal Description Information: | | | |

Section 5 EVIDENCE OF OWNERSHIP

Include evidence or information describing the length and extent of ownership of the property, any encroachments, easements, Covenants Conditions and Restrictions, and federal, state and local restrictions on the Property, including all applicable zoning, comprehensive plan and other land use and development regulations. Examples may include; an owner who lives and works on the property, but does not own the mineral rights or a property owner who has easements for neighbors to use roads and the local power company to traverse the property with power or other cables.

| | |
|--|--|
| The following is attached as proof of ownership: (list all attachments) | 1.) DEEDS 2.) TITLE REPORT 3.) HISTORICAL EXPLANATORY LETTER-CLACK.CO. 4.) ORIGINAL PURCHASE CONTRACT |
| Date of Acquisition of Property: | 12-30-77 |
| Nature & Scope of Ownership of Property: Attachment if Applicable <input type="checkbox"/> | |
| All Encroachments, Easements, etc. (see OAR 125-145-0040 (8) for further information) Attachment if Applicable <input type="checkbox"/> | |

Section 6 INTENDED USE OF PROPERTY

What is the intended use of the property that is currently prohibited by state regulations? _____

DEVELOPABLE 1-ACRE LOTS

Section 7 NATURE AND MANNER OF RESTRICTION

List each Land Use Regulation on which the Claim is based and include evidence or information that demonstrates the manner in which each cited Land Use Regulation restricts the use of the Property compared with how the owner was permitted to use the Property under Land Use Regulations in effect at the time the owner acquired the Property.

| | |
|---|---|
| Law or Rule: <i>CLARK CO. ZONING CODE 309.08 B</i> | Describe how this Land Use Law or Rule restricts the use of this property: <i>REQUIRES 5-ACRE MINIMUM LOT SIZE</i> |
| Attachment if Applicable <input type="checkbox"/> | |
| Law or Rule: | Describe how this Land Use Law or Rule restricts the use of this property: |
| Attachment if Applicable <input type="checkbox"/> | |
| Law or Rule: | Describe how this Land Use Law or Rule restricts the use of this property: |
| Attachment if Applicable <input type="checkbox"/> | |
| Law or Rule: | Describe how this Land Use Law or Rule restricts the use of this property: |
| Attachment if Applicable <input type="checkbox"/> | |
| Law or Rule: | Describe how this Land Use Law or Rule restricts the use of this property: |
| Attachment if Applicable <input type="checkbox"/> | |

Section 8 DATE ON WHICH EACH CITED LAND USE REGULATION BEGAN TO APPLY TO SUBJECT PROPERTY

List each Land Use Regulation on which the Claim is based and include evidence or information that demonstrates the date on which each cited Land Use Regulation began to apply to the Property.

| | |
|---|------------------------------------|
| Law or Rule: <i>SEE SECTION 7</i> | Date of Effect: <i>12-17-79</i> |
| Attachment if Applicable <input type="checkbox"/> | |
| Law or Rule: | Date of Effect: |
| Attachment if Applicable <input type="checkbox"/> | |
| Law or Rule: | Date of Effect: |
| Attachment if Applicable <input type="checkbox"/> | |
| Law or Rule: | Date of Effect: |
| Attachment if Applicable <input type="checkbox"/> | |
| Law or Rule: | Date of Effect: |
| Attachment if Applicable <input type="checkbox"/> | |

Section 9 AMOUNT OF PROPERTY VALUE REDUCTION

RESOLUTION NO. 06-3706

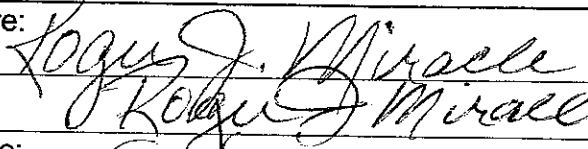

Attachment 4: COO Report

Enter the amount of Fair Market Value reduction to the Property caused by each cited Land Use Regulation. (Refer to Sections 6 & 7 above). Attach evidence or provide information to support the basis and rationale for the reduction in Fair Market Value.

| | | |
|---|-------------------------------|--|
| Fair Market Value Reduction Amount \$: 2,350,000 | Law or Rule SEE SECTION #7 | Basis of Evaluation: MARKET ANALYSIS (ENCLOSED) |
| Fair Market Value Reduction Amount \$: | Law or Rule | Basis of Evaluation: |
| Fair Market Value Reduction Amount \$: | Law or Rule | Basis of Evaluation: |
| Fair Market Value Reduction Amount \$: | Law or Rule | Basis of Evaluation: |
| Fair Market Value Reduction Amount \$: | Law or Rule | Basis of Evaluation: |

Section 10 AUTHORITY TO ENTER PROPERTY

This section of the form authorizes the Department, the Regulating Entity and their officers, employees, agents, and contractors to enter the Property as necessary to verify information, appraise the property, or conduct other business related to this claim. Each person that can restrict access to the property must sign in the appropriate box in this section.

| | |
|---|--|
| I/We Affix Our Signature(s) to this Form Granting Access to the Subject Property in ANY Manner or Form Deemed Appropriate by State Agency or Agencies for the Review of the Property in Furtherance of the Processing or Handling of this Claim: SIGNATURES OF ALL OWNERS WITH AUTHORITY TO RESTRICT ACCESS | |
| Printed Name: ROGER J. MIRACLE | Signature:  |
| Interest in Property: CO-OWNER | |
| Printed Name: ANN M. MIRACLE | Signature:  |
| Interest in Property: | |
| Printed Name: | Signature: |
| Interest in Property: | |
| Printed Name: | Signature: |
| Interest in Property: | |
| Printed Name: | Signature: |
| Interest in Property: | |

Section 11 ATTACHMENTS

Check the appropriate box for all documents, evidence and supporting information that is attached and included as a part of this claim.

| | | | |
|---|---|--|---|
| Title Report: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Deed: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Appraisal(s) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Covenants, Conditions & Restrictions: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| Affidavits: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Tax Map(s) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Tax Deferrals: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Tax Reductions: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Participating Federal Programs: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | | <input type="checkbox"/> Other Information: (Explain) <i>REAL ESTATE VALUATION</i> | |
| <input checked="" type="checkbox"/> Other Information: (Explain) <i>LETTER FROM CLACK. CO.</i> | | <input checked="" type="checkbox"/> Other Information: (Explain) <i>PURCHASE CONTRACT</i> | |

Section 12 OTHER CLAIMS FILED

List all other governmental entities you or someone on your behalf has submitted claims to regarding the Property involved in this claim. List all claims submitted to the state or other entities relating to this property or any portion thereof on anyone's behalf. You must list all entities even if you only submitted a claim to them for a portion of the Property that is the subject of this claim.

| | |
|--|--|
| Have you submitted a claim to another governmental entity regarding the property listed in this claim? | |
| No <input type="checkbox"/> | |
| Yes <input checked="" type="checkbox"/> Date: <i>10-3-05</i> To Whom: <i>CLACKAMAS CO.</i> | |
| Yes <input type="checkbox"/> Date: To Whom: | |
| Yes <input type="checkbox"/> Date: To Whom: | |
| Yes <input type="checkbox"/> Date: To Whom: | |

ADDITIONAL INFORMATION THAT MAY BE SUBMITTED IN SUPPORT OF THIS CLAIM

1. A report by a certified appraiser that addresses the Reduction in Fair Market Value of the Property resulting from the enactment or enforcement of the cited Land Use Regulation(s) as of the date the Claim was filed;
2. A statement of the effect of the cited Land Use Regulation(s) on any Owner's tax status, including without limitation any tax deferrals or tax reductions related to the cited Land Use Regulation(s);
3. Citation to each Land Use Regulation(s) in effect at the time the owner acquired the property explaining how the use that is now not permitted by the Land Use Regulation(s) set forth in Oregon Administrative Rules (OAR) 125-145-0040(9) was permitted at the time the owner acquired the property;
4. Names and addresses of Owners of all real property located within 100 feet of the Property if the Property is located in whole or in part in an urban growth boundary, 250 feet of the Property if the Property is located outside an urban growth boundary and not within a farm or forest zone and 750 feet of the Property if the Property is located in a farm or forest zone.

I ATTEST THAT I HAVE FILLED OUT THIS FORM COMPLETELY AND THIS CLAIM IS TRUE
AND CORRECT. (Signatures of all parties preparing this form.)

Roger J. Miracle 1 1 10-3-05
Signature Date

Ann M. Miracle 1 1 10-3-05
Signature Date

Ann M. Miracle 1 1
Signature Date

Signature Date

Signature Date

Signature Date

State of Oregon

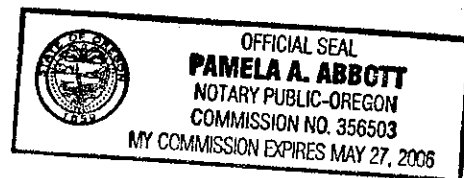
County of Multnomah

Signed and sworn to before me on October 3, 2005 by _____
(month - day - year)

Pamela A. Abbott
(Notary Public – State of Oregon)

▼ ▼ ▼ Notary Seal ▼ ▼ ▼

My commission expires: 5-27-06



October 3, 2005

Clackamas County Planning Division
9101 SE Sunnybrook Blvd.,
Clackamas, OR 97015

Re: Roger and Ann Miracle, MEASURE 37 CLAIM

Dear Sirs:

I am enclosing this letter of explanation to hopefully provide you with a 'quick' review of our property history. We are also providing as much documentation as possible but it might be somewhat confusing if the history is not known on this property. If in your processing of this claim you have any questions I would be more than happy to talk with you. Call my office number of (503) 661-9010.

On December 30, 1977 we purchased 13.26 acres from the Yunker family (Parcel I of the Yunker Heights Major Partition). When this land was purchased, a two-acre parcel was deeded over to us directly (see copy of deed) and the remaining 11.26 acre-parcel was purchased on a note. Because the two-acre parcel was deeded over to us, a separate tax lot was created (tax lot 202) while the remaining 11.26 acres (carried on a note) formed tax lot 201. The deed for the 11.26 acres was conveyed to us when we paid off the note on 8/26/80. Together, these two tax lots, no. 201 and no. 202, comprised Parcel I of the County approved Major Partition, file no. MP-4-76, platted in 1977 as Major Partition no. 41, Yunker Heights.

On August 26th, 1980 we made an additional purchase of the land that comprised tax lot 208. This land, added to our previous purchase brought our total acreage to 15.35 acres. The 15.35 acres consisted of tax lots 201, 202, and 208 – three tax lots comprising one legal lot of record.

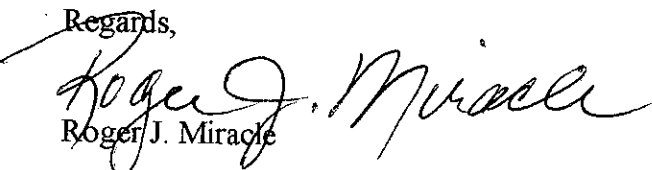
In 1992, we created a flexible lot size partition (file no. Z0489-92-M). Two tax lots of 2 acres each were created and sold – tax lots 214 and 215. The remaining portions of tax lot 201, all of tax lot 202, and all of tax lot 208 were now combined into the one tax lot, no. 201, totaling 11.34 acres. This tax lot 201 is the current tax lot as of this day.

Although there have been changes made over the years, the bottom line is this: tax lot 201 consists of 9.26 acres which were purchased on December 30, 1977 with the remaining acreage being that of the old tax lot 208 which was purchased on August 26th, 1980.

I am also attaching a letter written to me on June 14, 2000 by Rick McIntire of the Clackamas County Planning Department outlining the history on this parcel.

I hope this has been of assistance to you.

Regards,


Roger J. Miracle



Sunnybrook Service Center

June 14, 2000

THOMAS J. VANDERZANDEN
DIRECTOR

Roger Miracle
806 SW Wilson Ct.
Gresham, OR 97080

Via Facsimile to 666-9054

Subject: Tax lots 201, 214 & 215; Map no. 1-3E-27A

On June 13, 2000, you spoke with Jennifer Hughes of this office concerning the Lot of Record status of tax lots 201, 202 and 208 in map no. 1-3E-27A. The latter two tax lots no longer exist as a result of the partition approved in 1992. The current tax lot numbers are 201, 214 and 215. You have asked for an explanation of the results of the Research Request dated Nov. 16, 1991 done for you by Mike McCallister of this department. At that time, Mike found that the original tax lots, 201, 202 and 208 combined form one (1) legal lot of record. Tax lot 201 contained 11.26 acres, tax lot 202 contained 2.00 acres and tax lot 208 contained 2.02 acres. The combined area was 15.35 acres. Subsequently, you obtained approval of a partition, Planning file no. Z0489-92-M, to create three (3) separate lots of record. The approved parcels are now the current tax lots 201, 214 and 215. Your concern appears to be that the 1991 finding that the three tax lots comprised only one (1) Lot of Record may have been incorrect and that you may have been able to create a fourth parcel by dividing tax lot 201 (11.26) acres into two (2) parcels without involving tax lots 202 and 208. The subject property is zoned RRFF-5. In this zoning district, the maximum allowable density is one (1) dwelling unit per five (5) acres.

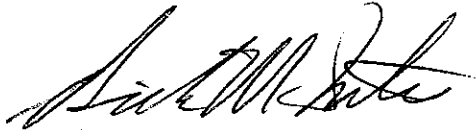
The original tax lot 201, containing 13.26 acres inclusive of tax lot 202, was created as a result of a County approved Major Partition, file no. MP-4-76, platted in 1977 as Major Partition no. 41, Yunker Heights. The combination of tax lots 201 and 202 was Parcel 1 of that plat. Parcel 1 was sold to you in 1977 on contract. Tax lot 208 (2.02 acres) was originally part of Parcel 2 of that plat. Parcel 2 originally contained all of current tax lots 210 and parts of tax lots 211 and 212 as well. The total area of Parcel 2 was 10.13 acres. Subsequently, tax lot 202 (2.00 ac.) was split from the north end of tax lot 201 in 1978 and deeded to you. There is no record of a County-approved partition to create tax lot 202 as a legal lot of record. Such approval was required to create any parcels in the rural area containing less than 20 acres by ordinance adopted in August of 1974. Therefore, the creation of this parcel was not done in compliance with County ordinance requirements.

In 1980, a subdivision, Hogan Road Heights, was approved to subdivide the remaining area of the original tax lot 200 into five (5) lots. The plat area contained all but 2.02 acres of Parcel 2 of Major Partition no. 41. This 2.02 acre tract was sold to you in 1980 and became



tax lot 208. Again, no partition approval was granted by the County to create this parcel as a legal lot of record. In essence, it was a lot line adjustment between tax lot 200 and the combination of tax lots 201 and 202. As a result, by 1980 you were in possession of a single 15.35 acre lot of record comprised of three (3) separate tax accounts. Tax lots 202 and 208 were not lawfully created lots of record under the County Subdivision and Partition Ordinance requirements in effect at the time these parcels were created. Subsequently, you partitioned this acreage into three (3) new parcels, current tax lot nos. 201, 214, and 215 (file no. Z0489-92-M). This partition was approved as a flexible lot size partition; i.e. two of the parcels were less than five (5) acres in size. Tax lot 201 is 11.34 acres in size, but cannot be divided under the existing RRFF-5 zoning. The 1992 partition "used up" the density allowed to the original 15.35 acre parcel by creating the maximum allowable number of parcels (three) under this zoning classification.

If you have any further questions concerning this matter, please call me at 353-4516.



Rick McIntire
Planner II
Clackamas County Planning Dept.

RESOLUTION NO. 06-3706
Attachment 4: COO Report



First American

First American Title Insurance Company of Oregon
1500 NE Division
Gresham, OR 97030
Phn - (503) 667-1333
Fax - (503) 665-8374



FAX TRANSMITTAL

DATE: **08/16/2005 04:12:59 PM**

FILE NO.: **7012-633774**

TO: **Roger Miracle**
Attn:

FAX: **15036669054**

FROM: **Gaye Bell**

Special Instructions/Comments: **Measure 37 report & Deed**

Thank You For Your Business! We Know You Have A Choice.

IMPORTANT NOTICE:

Should any of these papers require an **ORIGINAL SIGNATURE** and your fax machine produces the facsimile on thermal paper, please **PHOTOCOPY** then sign the photocopy.

We will "not" accept an Original Signature on THERMAL fax paper.

Thank you for your cooperation in this matter.

**IF TRANSMISSION OF ALL PAGES IS NOT COMPLETE OR IF AN ORIGINAL IS NEEDED,
PLEASE CONTACT THE SENDER.**

RESOLUTION NO. 06-3706
Attachment 4: COO Report



First American

First American Title Insurance Company of Oregon
222 SW Columbia Street, Suite 400
Portland, OR 97201
Phn - (503) 222-3651
Fax - (503) 790-7858

MULTNOMAH COUNTY TITLE UNIT
FAX (503) 790-7858

Title Officer: **Carol Bruney**
(503) 222-3651

MEASURE 37 LOT BOOK SERVICE

Roger J. Miracle & Ann M. Miracle
806 SW Wilson Court
Gresham, OR 97080

Order No.: 7012-633774
August 16, 2005

Attn:
Phone No.: - Fax No.:
Email:

Re:

Fee: \$500.00

We have searched our Tract Indices as to the following described property:

Parcel 1, PARTITION PLAT NO. 1993-93, in the County of Clackamas and State of Oregon.

and as of August 1, 2005 at 8:00 a.m.

We find that the last deed of record runs to

Roger J. Miracle and Ann M. Miracle, as tenants by the entirety

We also find the following apparent encumbrances within ten (10) years prior to the effective date hereof:

1. Taxes for the fiscal year 2005-2006 a lien due, but not yet payable.
2. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land pursuant to O.R.S. 321.358 to 321.372. If the land becomes disqualified for the special assessment under the statute, an addition tax may be levied for the last five (5) or lesser number of years in which the land was subject to the special land assessment.
3. Maintenance of Private Roadway, including terms and provisions thereof.
Recorded: November 18, 1977 as Fee No. 77 47512
4. Declaration of Restrictions of Partition Plat # 1993-93, including terms and provisions thereof.
Recorded: August 15, 1994 as Fee No. 94-065522

First American Title

RESOLUTION NO. 06-3706
Attachment 4: COO Report

Lot Book Service

Guarantee No.: **7012-633774**

Page 2 of 2

5. Road Maintenance Agreement, including terms and provisions thereof.
Recorded: August 15, 1995 as Fee No. 94-065524

6. Unrecorded leases or periodic tenancies, if any.

NOTE: Taxes for the year 2004-2005 PAID IN FULL

Tax Amount: \$790.83
Map No.: 13E27A 00201
Property ID: 00132092
Tax Code No.: 026-015

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

NONE

We also find the following unpaid taxes and city liens:

In our search for recorded deeds to determine the vestee herein we find the following:

| Document | Recorded | Book | Page | Fee No. |
|---------------------------------|---------------|------|------|---------|
| Quitclaim Deed - Statutory Form | July 22, 1987 | | | 8733467 |

THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listing do to include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Measure 37 Lot Book Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.

Veohry

FORM No. 900—QUITCLAIM DEED—STATUTORY FORM (Individual Grantor)

STEVENS NEEL & CO., PUEBLO, CO., PORTLAND, OR, 97204

QUITCLAIM DEED—STATUTORY FORM
INDIVIDUAL GRANTOR

MARSHA ANN ZINK

releases and quitclaims to ROGER J. MIRACLE and ANN M. MIRACLE, husband and wife Grantor,Grantee, all right, title and interest in and to the following described real property situated in Clackamas County, Oregon, to-wit:

All of that portion described on Exhibit A attached hereto of that certain easement for ingress, egress and utility purposes over and across that certain 25 foot wide roadway as shown on the duly recorded major partition of "Yunker Heights".

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The true consideration for this conveyance is \$ None (Here comply with the requirements of ORS 93.030)Dated this 21 day of July, 1987

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

STATE OF OREGON, County of Multnomah, ss. July 21, 1987Personally appeared the above named MARSHA ANN ZINK

and acknowledged the foregoing instrument to be her voluntary act and deed.

(OFFICIAL SEAL)

Before me: Cheryl A. Clancy
Notary Public for Oregon—My commission expires: 3/4/91

QUITCLAIM DEED

MARSHA ANN ZINK
ROGER J. MIRACLE and ANN M. MIRACLE

GRANTEE

GRANTEE'S ADDRESS, ZIP

After recording return to:

Mr. and Mrs. Roger J. Miracle
c/o Mrs. Marsha Ann Zink
P. O. Box 3242
Gresham, OR 97030

NAME, ADDRESS, ZIP

Until a change is requested, all tax statements shall be sent to the following address:

No change

NAME, ADDRESS, ZIP

STATE OF OREGON,

County of _____ ss.

I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ or as fee/title/instrument/microfilm/reception No. _____, Record of Deeds of said county.

Witness my hand and seal of County affixed.

NAME

TITLE

By _____ Deputy

87 33467

EXHIBIT A

A twenty-five foot wide roadway located in the East one-half of the Northeast one-quarter of Section 27, T 1 S, R 3 E, of the Willamette Meridian, County of Clackamas, State of Oregon, with its westerly boundary more particularly described as follows:

Commencing at the Northeast Corner of the said Section 27; thence South 89°09'50" West, a distance of 1,311.01 feet to the Northwest corner of the East one-half of the Northeast one-quarter of the said Section 27; thence South 00°13'02" West along the West line of the said East one-half, a distance of 1073.38 feet; thence South 89°46'58" East, a distance 150.00 feet; thence South 33°28'20" East, a distance of 113.00 feet; thence South 04°49'45" East, a distance of 424.25 feet; thence North 65°02'40" East, a distance of 69.19 feet; thence North 85°46'26" East, a distance of 65.22 feet; thence North 79°41'33" East, a distance of 50.08 feet; thence North 88°34'42" East, a distance of 35.05 feet; thence South 74°39'10" East, a distance of 46.89 feet; thence South 57°13'43" East, a distance of 35.04 feet; thence South 38°02'46" East, a distance of 98.77 feet; thence South 55°37'34" East, a distance of 121.39 feet to the true point of beginning of this description; thence South 05°51'20" West, a distance of 82.40 feet; thence 95.15 feet along the arc of a 114.97 foot radius circular curve to the right through a central angle of 47°25'05" (long chord is 92.46 feet and bears South 29°33'52" West); thence South 53°16'25" West, a distance of 72.83 feet to a point on a non-tangent curve to the left having a radius of 86.10 feet; thence along said curve, the long chord of which bears South 29°33'52" West, an arc distance of 74.46 feet; thence South 3°46'30" West a distance of 52.83 feet; thence along a 154.43 foot radius curve to the right, the long chord of which bears South 6°24'48" West, 54.63 feet, an arc distance of 54.92 feet; thence South 16°36'05" West a distance of 125.53 feet; thence along a 204.78 foot radius curve to the right, the long chord of which bears South 29°33'38" West 91.85 feet, an arc distance of 92.63 feet; thence South 42°31'10" West a distance of 232.95 feet; thence South 48°20'15" West a distance of 106.04 feet; thence along a 71.37 foot radius curve to the left, the long chord of which bears South 23°51'42" West 59.14 feet, an arc distance of 60.98 feet; thence South 89°23'10" West a distance of 220.39 feet to a point on the North boundary of a fifty foot wide road dedication as shown on the Yunker Heights, Major Partition recorded November 18, 1977 as Recorder's Fee No. 77-47511, Film Records.

2

RECORDED
CLACKAMASI, _____, County Clerk, for the County of
Clackamas, do hereby certify that the instrument of
record is correct for recording in the records of said

and seal of the

 JOHN F. KAUFFMAN
 County Clerk

87 33467

Comparative Market Analysis

for

Roger Miracle

SUBJECT PROPERTY

9390 SE Kingswood Way
Gresham, OR 97080

- ◆ 11.34 Acre Parcel
- ◆ One Building Site

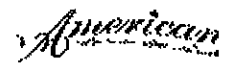
Suggested Price: \$350,000

Prepared By:



Vicki Arnold
Americana Properties, Inc.

8/10/2005



This report is not intended to meet the requirements set out in the Uniform Standards of Appraisal Practice and is not intended as an appraisal. If an appraisal is desired, the services of a competent professional licensed appraiser should be obtained.

Comparables to Your Home

RESOLUTION NO. 06-3706
Attachment 4: COO Report

| | | | |
|---------------------|-----|-----|-----------|
| 53501 SE Terra Fern | LND | ACT | \$279,000 |
|---------------------|-----|-----|-----------|

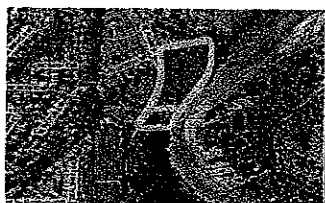
**No Photo
Available**

| | | | |
|---------------|-----------|---------------|-------|
| ML#: | 5053945 | Bedrooms: | |
| MLS Area: | 144 | Bathrooms: | |
| County: | Clackamas | Sub-Type: | RESID |
| Neighborhood: | | Style: | |
| Zip Code: | 97055 | Year Built: | |
| T/Guide: | 692E7 | Total SF: | |
| Tax Id #: | 01351904 | Tax per Year: | 51.56 |

Directions:HWY 26 TO TERRA FERN

Remarks: BEAUTIFUL BUILDING SITE! VERY SECLUDED WITH LARGE TREES AND CREEK. A MUST SEE IN THIS PRICE RANGE.

| | | | |
|----------|-----|-----|-----------|
| STARK ST | LND | PEN | \$200,000 |
|----------|-----|-----|-----------|



| | | | |
|---------------|------------------|---------------|-------|
| ML#: | 5020294 | Bedrooms: | |
| MLS Area: | 144 | Bathrooms: | |
| County: | Multnomah | Sub-Type: | RESID |
| Neighborhood: | SEC 01 01S 03E | Style: | |
| Zip Code: | 97060 | Year Built: | |
| T/Guide: | 599H7 | Total SF: | |
| Tax Id #: | R337253, R337235 | Tax per Year: | 1411 |

Directions:ACROSS FROM SE 35TH STREET ON STARK ST.

Remarks: APPROX 8.23 ACRES WITH SANDY RIVER FRONTAGE AND MT. HOOD VIEW (PER OWNER). COUNTY SAYS POSSIBLY QUALIFIES FOR TEMPLATE TEST TO BUILD YOUR DREAM HOME. BUYER TO VERIFY WITH MULTNOMAH COUNTY.

| | | | |
|----------------|-----|-----|-----------|
| 7927 SE 190 DR | LND | SLD | \$500,000 |
|----------------|-----|-----|-----------|

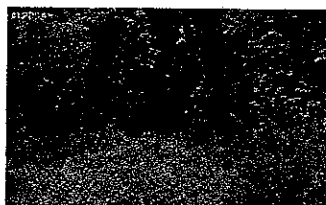
**No Photo
Available**

| | | | |
|---------------|-----------|---------------|---------|
| ML#: | 4005284 | Bedrooms: | |
| MLS Area: | 144 | Bathrooms: | |
| County: | Multnomah | Sub-Type: | RESID |
| Neighborhood: | | Style: | |
| Zip Code: | 97236 | Year Built: | |
| T/Guide: | 627H7 | Total SF: | |
| Tax Id #: | Not Found | Tax per Year: | 2734.21 |

Directions:FOSTER TO RICHEY RD TO 190TH DR. RIGHT TO PROPERTY. SIGNS ON 190TH DR

Remarks: BEAUTIFUL LEVEL LAND WITH RICHEY CREEK THROUGH MIDDLE OF PROP. NOT IN FLOOD PLAIN ACCORDING TO MAPS. IN UGB. LOTS OF NEW DEVELOPMENT IN AREA.

| | | | |
|----------|-----|-----|-----------|
| Anderson | LND | SLD | \$208,000 |
|----------|-----|-----|-----------|



| | | | |
|---------------|-----------|---------------|--------|
| ML#: | 4038153 | Bedrooms: | |
| MLS Area: | 146 | Bathrooms: | |
| County: | Clackamas | Sub-Type: | RESID |
| Neighborhood: | | Style: | |
| Zip Code: | 97013 | Year Built: | |
| T/Guide: | 775G3 | Total SF: | |
| Tax Id #: | Not Found | Tax per Year: | 642.25 |

Directions:CANBY S ON 99 R ON ANDERSON TO SIGN.

Remarks: THIS IS A BEAUTIFUL WOODED 8.34 ACRES. IDEAL FOR PRIVACY AND THAT SPECIAL SPOT FOR YOUR DREAM HOME. OVERLOOKING THE PUDDING RIVER YOU CAN FIND PEACE AND TRANQUILITY. UNIQUE OPPORTUNITY. ACCESS IS AVAILABLE FROM EITHER SIDE OF ANDERSON RD. CLACKAMAS CO. WILL MOVE BARRIERS.

© Copyright 2005 RMLS™Portland - MLS INFORMATION NOT GUARANTEED AND SHOULD BE VERIFIED.
SQUARE FOOTAGE IS APPROXIMATE & MAY INCLUDE BOTH FINISHED & UNFINISHED AREAS - CONSULT BROKER FOR INFO.
SCHOOL AVAILABILITY SUBJECT TO CHANGE.

Summary of Comparables

RESOLUTION NO. 06-3706
Attachment 4: COO Report

Active

| MLS# | P | Type | Address | City | Area | Acres | Price |
|---------|---|-------|-----------------------|-------|------|-------|-----------|
| 5053945 | 0 | RESID | 9390 SE KINGSWOOD WAY | Sandy | 144 | 11.34 | \$350,000 |
| | | RESID | 53501 SE Terra Fern | | 144 | 9.84 | \$279,000 |

Pending

| MLS# | P | Type | Address | City | Area | Acres | Price |
|---------|---|-------|-----------------------|-----------|------|-------|-----------|
| 5020294 | 4 | RESID | 9390 SE KINGSWOOD WAY | Troutdale | 144 | 11.34 | \$350,000 |
| | | RESID | STARK ST | | 144 | 8.23 | \$200,000 |

Sold

| MLS# | P | Type | Address | City | Area | Acres | Price |
|---------|---|-------|-----------------------|----------|------|-------|-----------|
| 4005284 | 0 | RESID | 9390 SE KINGSWOOD WAY | Portland | 144 | 11.34 | \$350,000 |
| | | RESID | 7927 SE 190 DR | | 144 | 9 | \$500,000 |
| 4038153 | 3 | RESID | Anderson | Canby | 146 | 8.34 | \$208,000 |

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.

Pricing Your Home

RESOLUTION NO. 06-3706
Attachment 4: COO Report

| Status | # | Average | Minimum | Maximum | Avg Sqft | Avg \$Sqft |
|----------------|---|--|-----------|-----------|----------|------------|
| Active | 1 | \$279,000 | \$279,000 | \$279,000 | 0 | \$0 |
| Pending | 1 | \$200,000 | \$200,000 | \$200,000 | 0 | \$0 |
| Sold | 2 | \$354,000 | \$208,000 | \$500,000 | 0 | \$0 |
| Total Listings | 4 | Sold Properties closed averaging 74.53% of their Final List Price. This reflects a 25.47% difference between Sale Price and List Price. | | | | |

| | Amount | \$/Sqft |
|----------------------|-----------|---------|
| Average Sales Price | \$354,000 | \$0 |
| Min. List Price | \$224,950 | \$0 |
| Max. List Price | \$725,000 | \$0 |
| Suggested List Price | \$350,000 | \$ |

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Comparative Market Analysis

RESOLUTION NO. 06-3706
Attachment 4: COO Report

for

Roger Miracle

SUBJECT PROPERTY

9390 SE Kingswood Way
Gresham, OR 97080

- ◆ 11.34 Acre Parcel
- ◆ Nine Building Sites
- ◆ Price Per One Acre Parcel

Suggested Price: **\$300,000**

Prepared By:



Vicki Arnold
Americana Properties, Inc.

8/10/2005

American

This report is not intended to meet the requirements set out in the Uniform Standards of Appraisal Practice and is not intended as an appraisal. If an appraisal is desired, the services of a competent professional licensed appraiser should be obtained.

10693 SE RIDGEWAY DR**LND****SLD****\$325,000**

ML#: 4070992
MLS Area: 145
County: Clackamas
Neighborhood: ALTAMONT #6
Zip Code: 97266
T/Guide: 657H1
Tax Id #: Not Found

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 1979.65

RESOLUTION NO. 06-3706
Attachment 4: COO Report

Directions: IDELMAN TO TYLER, TYLER TO CITY VIEW, CORNER OF CITY VIEW & RIDGEWAY
Remarks: BREATHTAKING PANORAMIC VIEW! BEHOLD THE VIEW OF DOWNTOWN PORTLAND, MT. ST. HELENS & WILLAMETTE RIVER. BUILD YOUR DREAM HOME ON THIS LOT OF JUST OVER AN ACRE LOCATED ON A PRIVATE GATED CULDESAC WITH JUST 2 OTHER HOME SITES OF SIMILAR SIZE. CLOSE TO SHOPPING & AIRPORT.

10687 SE Ridgeway DR**LND****SLD****\$375,000**

**No Photo
Available**

ML#: 5047925
MLS Area: 145
County: Clackamas
Neighborhood: Altamont
Zip Code: 97266
T/Guide: 657H1
Tax Id #: Not Found

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 0

Directions: IDELMAN TO TYLER, TYLER TO CITY VIEW, CORNER OF CITY VIEW & RIDGEWAY DR
Remarks: GREAT VIEWS OF EVERYTHING

10915 SE VALLEY VIEW TER**LND****SLD****\$395,000**

**No Photo
Available**

ML#: 5014586
MLS Area: 145
County: Clackamas
Neighborhood: HIGHPOINTE
Zip Code: 97015
T/Guide: 657J2
Tax Id #: 01505151

Bedrooms:
Bathrooms:
Sub-Type: RESID
Style:
Year Built:
Total SF:
Tax per Year: 1621.05

Directions: SUNNEYSIDE
Remarks:

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SCHOOL AVAILABILITY SUBJECT TO CHANGE.

Summary of Comparables

RESOLUTION NO. 06-3706
Attachment 4: COO Report

Active

| MLS# | P | Type | Address | City | Area | Acres | Price |
|---------|---|-------|---|---------|------------|------------|------------------------|
| 5025910 | 0 | RESID | 9390 SE KINGSWOOD WAY 0 WALTERS LOOP | Gresham | 144 144 | 11 0.97 | \$300,000 \$299,500 |

Pending

| MLS# | P | Type | Address | City | Area | Acres | Price |
|---------|---|-------|----------------------------------|---------|------------|-----------|------------------------|
| 5013508 | 7 | RESID | 9390 SE KINGSWOOD WAY 16th CT | Gresham | 144 144 | 11 1.1 | \$300,000 \$234,900 |

Sold

| MLS# | P | Type | Address | City | Area | Acres | Price |
|---------|---|-------|---|--------------|------------|------------|------------------------|
| 5032952 | 1 | RESID | 9390 SE KINGSWOOD WAY 0 SW MILLER CT | Gresham | 144 144 | 11 1.01 | \$300,000 \$240,000 |
| 5030876 | 0 | RESID | Le Ann CT | Boring | 144 | 0.98 | \$250,000 |
| 4070992 | 6 | RESID | 10693 SE RIDGEWAY DR | Portland | 145 | 1.2 | \$325,000 |
| 5047925 | 0 | RESID | 10687 SE Ridgeway DR | Portland | 145 | 1 | \$375,000 |
| 5014586 | 0 | RESID | 10915 SE VALLEY VIEW TER | Happy Valley | 145 | 1 | \$395,000 |

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Pricing Your Home

RESOLUTION NO. 06-3706
Attachment 4: COO Report

| Status | # | Average | Minimum | Maximum | Avg Sqft | Avg \$Sqft |
|----------------|---|---|-----------|-----------|----------|------------|
| Active | 1 | \$299,500 | \$299,500 | \$299,500 | 0 | \$0 |
| Pending | 1 | \$234,900 | \$234,900 | \$234,900 | 0 | \$0 |
| Sold | 5 | \$317,000 | \$240,000 | \$395,000 | 0 | \$0 |
| Total Listings | 7 | Sold Properties closed averaging 97.6% of their Final List Price. This reflects a 2.4% difference between Sale Price and List Price. | | | | |

| | Amount | \$/Sqft |
|----------------------|-----------|---------|
| Average Sales Price | \$317,000 | \$0 |
| Min. List Price | \$249,000 | \$0 |
| Max. List Price | \$395,000 | \$0 |
| Suggested List Price | \$300,000 | \$ |

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Metro Statement as to negative effect of the Urban Growth Management Functional Plan

Under the Urban Growth Management Functional Plan portions of the subject property would be required to be set aside reducing the total acreage available for residences. The proposed restriction would result in a lower number of residences and any beneficial effect (if any) of the restrictions would not increase the value of the remaining lots sufficiently to compensate for the reduction in the number of the lots. Thus, the restrictions would result in a net decrease in the value of the property.

C:\Client Files\1215.7\Metro Statement.wpd