



METRO

Agenda

MEETING: METRO COUNCIL
DATE: November 8, 2007
DAY: Thursday
TIME: 5:00 PM
PLACE: Hillsboro Civic Center Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. CONSENT AGENDA

3.1 Consideration of Minutes for the November 1, 2007 Metro Council Regular Meeting.

3.2 **Resolution No. 07-3878**, For the Purpose of Confirming the Appointment of Judy Bluehorse Skelton to the Metro Committee For Citizen Involvement (MCCI).

4. ORDINANCES - SECOND READING

4.1 **Ordinance No. 07-1166**, For the Purpose of Amending Metro Code Chapter 10.02 Regional Park Fees to Provide Free Admission to U.S. Veterans With Service-Connected Disabilities. Park

5. RESOLUTIONS

5.1 **Resolution No. 07-3831**, For the Purpose of Approving the Federal Component of the 2035 Regional Transportation Plan (Public Hearing) Park

6. CONTRACT REVIEW BOARD

6.1 **Resolution NO. 07-3882**, Authorizing Execution of Development Agreement with Project Developer; Authorizing Negotiations For Intergovernmental Agreements and Project Funding; and Authorizing Use of Metro Tourism Opportunity and Competitiveness Account (MTOCA) Funds Park

8. CHIEF OPERATING OFFICER COMMUNICATION

9. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for November 8, 2007 Metro Council meeting

The Nov. 8 Metro Council meeting will be held at 5 p.m. in the Hillsboro Civic Center and will not be broadcast live. All subsequent replays listed below will be of the Nov. 8 meeting.

Clackamas, Multnomah and Washington counties, and Vancouver, Wash. Channel 11 -- Community Access Network www.tvctv.org -- (503) 629-8534 2 p.m. Thursday, Oct. 11 (replay of other meeting)	Portland Channel 30 (CityNet 30) -- Portland Community Media www.pcmtv.org -- (503) 288-1515 8:30 p.m. Sunday, Oct. 14 2 p.m. Monday, Oct. 15
Gresham Channel 30 -- MCTV www.mctv.org -- (503) 491-7636 2 p.m. Monday, Oct. 15	Washington County Channel 30 -- TVC-TV www.tvctv.org -- (503) 629-8534 11 p.m. Saturday, Oct. 13 11 p.m. Sunday, Oct. 14 6 a.m. Tuesday, Oct. 16 4 p.m. Wednesday, Oct. 17
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).

Consideration of Minutes of the November 1, 2007 Metro Council
Regular Meeting.

Consent Agenda

Metro Council Meeting
Thursday, November 8, 2007
Hillsboro Civic Center Chamber

Agenda Item Number 3.2

Resolution No. 07-3878, For the Purpose of
Confirming the Appointment of Judy Bluehorse Skelton to
the Metro Committee for Citizen Involvement (MCCI)

Consent Agenda

Metro Council Meeting
Thursday, November 8, 2007
Hillsboro Civic Center Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE)	RESOLUTION NO. 07-3878
APPOINTMENT OF JUDY BLUEHORSE)	
SKELTON TO THE METRO COMMITTEE FOR)	Introduced by Council President David
CITIZEN INVOLVEMENT (MCCI))	Bragdon
)	

WHEREAS, the Metro Charter calls for the creation of an Office of Citizen Involvement, and the establishment of a citizens committee therein; and

WHEREAS, Section 28 (1) of the Metro Charter states that the Metro Office of Citizen Involvement (MCCI) is created to develop and maintain programs and procedures to aid communication between citizens and the Metro Council; and

WHEREAS, the Metro Council has created MCCI (Metro Code Section 2.19.100); and

WHEREAS, there are several vacancies in MCCI membership with one appointment to be made in a District 6 position; and

WHEREAS, a recruitment and selection process has been initiated, resulting in the nomination by MCCI of citizen Judy Bluehorse Skelton (Exhibit A) for a two-year term, beginning Nov. 8, 2007, and;

WHEREAS, the Council President has appointed citizen Judy Bluehorse Skelton to serve on MCCI representing District 6, subject to Metro Council confirmation; now therefore

BE IT RESOLVED that the Metro Council confirms the appointment of Judy Bluehorse Skelton as a member of MCCI.

ADOPTED by the Metro Council this _____ day of _____ 2007.

David L. Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney



METRO

Application for the Metro Committee for Citizen Involvement

About Us

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 how to best involve residents in regional planning activities. As such, MCCI is an advisory committee and does not participate in policy-setting.

Biographical Information

Name <i>Judy Bluehorse Skelton</i>		Date <i>Sept. 11, 2007</i>	
Address <i>1935 SE HAROLD ST.</i>	City <i>Portland</i>	State <i>OR</i>	Zip Code <i>97202</i>
Email address <i>Judybluehorse@comcast.net</i>		Phone number <i>503-234-0266</i>	
Occupation <i>Educator; Herbalist (also currently student @ PSU School of Ed.)</i>	Place of Employment <i>PPSTitle VII Indian Education office AND self-employed</i>		
Council District/County of Residence <i>District 6, Mult. Co., Robt. Liberty</i>			

Education

Employment

Please check highest level completed: <input type="checkbox"/> Elementary School (Grades 1-5) <input type="checkbox"/> Middle School (Grades 6-8) <input type="checkbox"/> High School (Grades 9-12) <input type="checkbox"/> Some College <input type="checkbox"/> College <input checked="" type="checkbox"/> Post-Graduate	Additional employment and/or work experience <ul style="list-style-type: none"> <i>Nat'l. College of Naturopathic Medicine - CU</i> <i>Presenter/Speaker @ Conf. # Workshops on Native Amer. Wellness / Education / Ecology</i>
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Volunteering, Community Projects, Groups, Boards, Religious or Civic Organizations, etc.

- 2005-2007 - Vision PDX w/ Mayor Potter - member of 50 person core committee served on Engagement subcommittee*
- 2005-Current - PPS Wellness Advisory Council*
- 1995-2005 - Member Native American Community Advisory Council to PSU (served as Chair 2000-2004) - Still active today but can't attend all mtgs*
- Friend of Trees • Americorps • SOLV (Johnson Creek)*
- City Repair Village Bldg. • OSAIT - Oregon Sustainable Agri. Land Trust - Ach Board member*
- NW Earth Institute • Meals On Wheels*

Please give two references who are familiar with your community and volunteer work. If you have never volunteered before, please list two personal references.

- Norrine Smokey-Smith - Director, PPSTitle VII Indian Education Progr. (503-916-6499)*
- Dilafuz Williams - PSU School Educator - "Leadership in Ecology, Culture & Learning"*

Subcommittees

Occasionally the MCCI breaks into subcommittees to work on special projects. Please check any topics that you are interested in, and describe why you think those issues are important.

- Community Planning (Land Use/Transportation)
- Parks and Greenspaces
- Solid Waste and Recycling

Even before serving on the Vision PDX committee and reading the overwhelming support of Portlanders for greenspaces, parks, and innovative land use & transportation that respects the natural environment while serving community needs, I've been active in neighborhood activities to preserve & restore areas like Oaks Bottom Wildlife Refuge, Johnson Creek Watershed, Westmoreland Park's Crystal Springs, and other urban natural areas. Good planning that respects people & nature are a passion of mine.

Time Commitment

The MCCI meets the first Wednesday of the month from 6 to 8 p.m. In addition, MCCI members are strongly encouraged to be active in their communities, reporting back to MCCI about issues of mutual interest, and to keep abreast of current events. Will you commit to the time required to fulfill your duties if appointed to this advisory committee?

- Yes
- No

Potential Conflicts

Are you aware of any potential conflicts of interest that would prevent you from serving effectively on MCCI? If so, please explain.

Not aware of any.

Optional: Attach résumé

Judy B. Burton 9-11-07
 Signature Date

For further general information, call the Metro Office of Citizen Involvement at (503) 797-1539. To receive assistance per the Americans with Disabilities Act, call the Metro Office of Citizen Involvement at (503) 797-1539 or Metro TDD at (503) 797-1804.

Membership on Metro advisory committees is open to all interested citizens subject to the qualifications determined by the appointing authority as necessary for the conduct of its business. Metro encourages participation in its affairs by all people, especially those who are under represented in public involvement.

Please return to:
 Metro Office of Citizen Involvement
 600 NE Grand Avenue
 Portland, OR 97232
 (503) 797-1639
 fax: (503) 797-1799
 email: mcci@metro.dst.or.us
 www.metro-region.org

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 07-3878, FOR THE PURPOSE OF CONFIRMING THE APPOINTMENT OF JUDY BLUEHORSE SKELTON TO THE METRO COMMITTEE FOR CITIZEN INVOLVEMENT.

Date: October 17, 2007

Prepared by: Cheryl Grant

BACKGROUND

The Metro Committee for Citizen Involvement (MCCI) has continued to attempt to fill its vacancies. MCCI has actively recruited new members, including soliciting stakeholders and local leaders for nominees, notifying agency staff, and advertising on a weekly basis.

Judy Bluehorse Skelton resides in District 6. The MCCI Membership Committee has recommended Ms. Bluehorse Skelton for a District 6 position on the committee, citing her interest in community involvement and environmental and land use issues. Ms. Bluehorse Skelton's application to the committee is attached to Resolution 07-3878 as Exhibit A.

ANALYSIS/INFORMATION

1. Known Opposition

None.

2. Legal Antecedents

Section 28(1) of the Metro Charter and Metro Code Section 2.19.100, adopted on November 9, 2000, states that the Metro Office of Citizen Involvement (MCCI) is created to develop and maintain programs and procedures to aid communication between citizens and the Metro Council; and Ordinance No. 00-860A (For the Purpose of Adding a New Chapter 2.19 to the Metro Code Relating to Advisory Committees).

3. Anticipated Effects

That a new member will be appointed to MCCI.

4. Budget Impacts

None.

RECOMMENDED ACTION

Staff recommends the adoption of Resolution No. 07-3878.

Agenda Item Number 4.1

Ordinance No. 07-1166, For the Purpose of Amending Metro
Code Chapter 10.02 Regional Park Fees to Provide Free
Admission to U.S. Veterans With Service-Connected
Disabilities.

Second Reading

Metro Council Meeting
Thursday, November 8, 2007
Hillsboro Civic Center Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO) ORDINANCE NO. 07-1166
CODE CHAPTER 10.02 REGIONAL PARK FEES)
TO PROVIDE FREE ADMISSION TO U.S.)
VETERANS WITH SERVICE-CONNECTED)
DISABILITIES) Introduced by Councilor Rod Park

WHEREAS, many Veterans of the United States of America’s armed forces (U.S. Veterans) suffer from disabilities inflicted upon them as result of their military service to the nation (“service-connected disabilities”);

WHEREAS, the State of Oregon has a program that provides U.S. Veterans with military service-connected disabilities with free admission to any park in the Oregon State Parks system;

WHEREAS, Metro wishes to amend Metro Code Section 10.02 to provide U.S. Veterans with service-connected disabilities with free admission and camping at Metro Regional Parks, on the same terms and using the same identification as the state program; now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Metro Code Chapter 10.02 Regional Park Fees shall be amended as follows:

10.02.020 Park Fees

“The following fees shall be charged and collected by Metro for and prior to the following park uses and activities:

- (a) Reservation fees for shelters and reservable picnic areas at Blue Lake Park shall be set forth in Appendix "A" to Chapter 10.02. However, reservation fees for weekday events (except holidays) shall be reduced by 20 percent. Off-season reservation fees (November 1 through May 14) shall be reduced by 50 percent.
- (b) Fees for alcohol permits at Blue Lake Park shall be \$225.00 for all areas.
- (c) Overnight camping fees at Oxbow Park shall be \$15.00 per site per night. Permit must be displayed. The fee for each additional vehicle shall be \$4.00 per night. Each vehicle must pay entry fee on initial day of entry.
- (d) Entry fees at Blue Lake Park and Oxbow Park shall be \$4.00 per motorized vehicle on all days and \$7.00 per bus on all days.
- (e) Boat launching and/or parking fees at the M. James Gleason Boat Ramp shall be \$5.00 and fees at the Chinook Landing Marine Park shall be \$5.00 per motorized vehicle on all days.
- (f) Fees for special events shall be set by the Director of the Regional Parks and Greenspaces Department.

(g) Fees for nightly use of overnight group camps at Oxbow Park by nonprofit and youth organizations shall be as follows:

- (1) \$25.00 minimum for the first 10 people for Group Camp #2 and then \$2.50 per person up to a \$87.50 maximum (this does not include the vehicle entry fee). 35 people per night maximum per site.
- (2) \$50.00 minimum for the first 20 people for Group Camp #1 and then \$2.50 per person up to a \$325.00 maximum (this does not include the vehicle entry fee). 150 people maximum per night.
- (3) A reservation fee of \$10.00 will be charged to all groups.

(h) Picnic area reservation fees at Oxbow Park shall be as follows (does not include vehicle entry fees):

- Area A - \$280.00
- Area B - \$170.00
- Area C - \$215.00
- Area D - \$260.00

However, reservation fees for weekday events (except holidays) shall be reduced by 20 percent. Off-season reservation fees (November 1 through May 14) shall be reduced by 50 percent.

(i) The fee for annual passes in lieu of daily entrance fees, launching and/or parking fees at Blue Lake Park, Oxbow Park, Chinook Landing, and M. James Gleason Boat Ramp shall be as follows:

- (1) Regular: \$40.00 per year (January 1 through December 31)
- (2) Seniors: \$30.00 per year (January 1 through December 31)
- (3) Low-Income/Disabled: \$10.00 per year (January 1 through December 31)

(j) Entrance fees at Blue Lake Park and Oxbow Regional Park shall be waived for any police officer (officers' fees are waived also at Chinook Landing Marine Park and the Gleason Boat Ramp) or Metro employee who presents valid current identification at the park entrance. Fee waivers shall not apply to any special events or other facilities.

(k) Entrance fees at Blue Lake Park, Oxbow Park, Chinook Landing, and M. James Gleason Boat Ramp, and camping fees at Oxbow Park, shall be waived for any disabled veteran who presents valid current photo identification and an Oregon State Parks Special Access Pass for Veterans with Service Connected Disabilities ID Card at the park entrance, and displays the Oregon State Parks Special Access Pass for Veterans with Service Connected Disabilities ID Card and green placard issued by Oregon State Parks in said veteran's vehicle in full view on the dashboard or hanging from the rear-view mirror.

Fee waivers shall not apply to fees for the use of other facilities.

(l) Except for use by Metro, rental fees, along with \$300.00 refundable deposit, for "The Lake House" at Blue Lake Park shall be:

- (1) April 1 to October 31 (Friday after 5:00 p.m. and Sundays):
 - 10:00 a.m. to 4:00 p.m. \$1,000.00
 - 6:00 p.m. to 11:00 p.m. \$1,000.00
 - 10:00 a.m. to 10:00 p.m. \$1,500.00
- (2) April 1 to October 31 (Saturday):
 - 10:00 a.m. to 4:00 p.m. \$1,100.00
 - 6:00 p.m. to 11:00 p.m. \$1,100.00
 - 10:00 a.m. to 10:00 p.m. \$1,600.00
- (3) November 1 to March 30 (Friday after 5:00 p.m. and Sundays):
 - 10:00 a.m. to 4:00 p.m. \$ 700.00
 - 6:00 p.m. to 11:00 p.m. \$ 700.00
 - 10:00 a.m. to 10:00 p.m. \$1,050.00
- (4) November 1 to March 30 (Saturday)
 - 10:00 a.m. to 4:00 p.m. \$ 800.00
 - 6:00 p.m. to 11:00 p.m. \$ 800.00
 - 10:00 a.m. to 10:00 p.m. \$1,150.00
- (5) Weekdays (Monday through Thursday and Friday until 5:00 p.m.):
 - \$40.00 per hour (10:00 a.m. - 5:00 p.m.) with a three-hour minimum charge
 - \$60.00 per hour (5:00 p.m. – 11:00 p.m.) with a three-hour minimum charge”

ADOPTED by the Metro Council this _____ day of _____ 2007.

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. 07-1166, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 10.02 REGIONAL PARK FEES TO PROVIDE FREE ADMISSION TO U.S. VETERANS WITH SERVICE-CONNECTED DISABILITIES

Date: October 16, 2007

Prepared by: Kathryn Sofich

BACKGROUND

The Metro region is home to a number of disabled veterans who have served our country. The State of Oregon currently has a program that provides U.S. Veterans with military service connected disabilities with free admission to any park in the Oregon State Parks system.

Currently, disabled veterans are offered a discounted admission fee to Metro Regional Parks. This ordinance would amend Metro Code Section 10.02.020 Park Fees to provide U.S. Veterans with service-connected disabilities with free admission and camping at Metro Regional Parks, on the same terms and using the same identification as the state program. Disabled veterans will be able to present a valid current photo identification and an Oregon State Parks Special Access Pass for Veterans with Service Connected Disabilities ID Card at the park entrance, and display the Oregon State Parks Special Access Pass for Veterans with Service Connected Disabilities ID Card and green placard issued by Oregon State Parks in their vehicle.

ANALYSIS/INFORMATION

1. **Known Opposition** None known.
2. **Legal Antecedents.** Metro Code Section 10.02.020 Park Fees.
3. **Anticipated Effects** Disabled veterans will be granted free admission to Metro Regional Parks.
4. **Budget Impacts** There will be a slight decrease in revenue collected.

RECOMMENDED ACTION

Councilor Rod Park recommends approval of Ordinance 07-1166.

Agenda Item Number 5.1

Resolution No. 07-3831, For the Purpose of Approving the
Federal Component of the 2035 Regional Transportation Plan.

Public Hearing, no final action

Metro Council Meeting
Thursday, November 8, 2007
Hillsboro Civic Center Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE) RESOLUTION NO. 07-3831
FEDERAL COMPONENT OF THE 2035)
REGIONAL TRANSPORTATION PLAN (RTP)) Introduced by Councilors Rex Burkholder and
UPDATE) Rod Park

WHEREAS, the Metro Council and the Joint Policy Advisory Committee on Transportation (JPACT) approved Resolution No. 06-3661 (For the Purpose of Approving A Work Program For the 2035 Regional Transportation Plan (RTP) Update and Authorizing the Chief Operating Officer to Amend Contract No. 926975), on June 15, 2006; 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 2035 RTP update; and

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

WHEREAS, the RTP fulfills statewide planning requirements to implement Goal 12 Transportation, as implemented through the Oregon Transportation Planning Rule (TPR); 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, the most recent update to the RTP was completed in March 2004 and the next federal update must be approved by the United States Department of Transportation in consultation with the Environmental Protection Agency 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 2035 RTP update timeline and process was expanded by the Metro Council, at the recommendation of JPACT, to allow for completion of the federal component of the 2035 RTP before the current plan expires on March 5, 2008 and provide for additional technical analysis and policy development to address state and regional planning requirements by Fall 2008; and

WHEREAS, the Metro Council approved Resolution No. 07-3793 (For the Purpose of Accepting the Chapter 1 Regional Transportation Policy Framework as the Provisional Draft For the Purpose Of Completing Phase 3 of the 2035 Regional Transportation Plan (RTP) Update), on March 15, 2007; and

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

WHEREAS, the Collaborative Environmental Transportation Agreement for Streamlining (CETAS) work group, consisting of the Oregon Department of Transportation and ten state and federal transportation, natural resource, cultural resource and land-use planning agencies, was consulted on

potential environmental impacts and mitigation strategies on October 16, 2007, and were provided an opportunity to comment on the federal component of the 2035 RTP; and

WHEREAS, the state component of the 2035 RTP will continue in 2008 to address outstanding issues identified during the federal component of the 2035 RTP, including amendments to both the Oregon TPR and Oregon Transportation Plan, and development of a transportation finance strategy to funded needed investments that exceed revenues anticipated to be available during the plan period; and

WHEREAS, the federal component of the 2035 RTP is set forth in "Exhibit A," attached hereto, and will be updated to reflect key findings and recommendations from additional technical and policy analysis to be conducted during the state component of the RTP update in 2008; and

WHEREAS, a 30-day public comment period was held on the federal component of the 2035 RTP from October 15 to November 15, 2007; and

WHEREAS, the Metro Council, 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, the Regional Freight and Goods Movement Technical Advisory Committee, the Bi-State Transportation Committee, the Regional Freight and Goods Movement Task Force and other elected officials, city and county staff, and representatives from the business, environmental, and transportation organizations from the Portland-Vancouver metropolitan region assisted in the development of and were provided an opportunity to comment on the federal component of the 2035 RTP; and

WHEREAS, JPACT and MPAC have recommended that the federal component be approved by the Metro Council; now, therefore

BE IT RESOLVED BY THE METRO COUNCIL THAT:

1. The Metro Council approves the federal component of the 2035 Regional Transportation Plan update, attached and incorporated into this resolution as Exhibit "A."
2. Staff shall conduct the federally-required air quality conformity analysis, hold a 30-day public comment period on the results of the analysis and develop findings demonstrating compliance with federal planning requirements.

ADOPTED by the Metro Council this ____ day of December 2007.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney



EXHIBIT A to Resolution No. 07-3831
Full document available to download from Metro's
website at www.metro-region.org/rtp



Public
Review Draft

*2035 Regional
Transportation Plan
Federal Component*

October 15, 2007



METRO

PEOPLE PLACES
OPEN SPACES

Metro

People places • open spaces

Clean air and clean water do not stop at city limits or county lines. Neither does the need for jobs, a thriving economy and good transportation choices for people and businesses in our region. Voters have asked Metro to help with the challenges that cross those lines and affect the 25 cities and three counties in the Portland metropolitan area.

A regional approach simply makes sense when it comes to protecting open space, caring for parks, planning for the best use of land, managing garbage disposal and increasing recycling. Metro oversees world-class facilities such as the Oregon Zoo, which contributes to conservation and education, and the Oregon Convention Center, which benefits the region's economy.

Your Metro representatives

Metro Council President – David Bragdon

Metro Councilors – Rod Park, District 1; Brian Newman, District 2; Carl Hosticka, District 3; Kathryn Harrington, District 4; Rex Burkholder, District 5; Robert Liberty, District 6.

Auditor – Suzanne Flynn

Metro's web site: www.metro-region.org

Project web site: www.metro-region.org/rtp

The preparation of this report was financed in part by the U.S. Department of Transportation, Federal Highway Administration and Federal Transit Administration. The opinions, findings and conclusions expressed in this report are not necessarily those of the U.S. Department of Transportation, Federal Highway Administration and Federal Transit Administration.

Metro
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Portland, OR 97232-2736
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2035 Regional Transportation Plan

Thank you for taking the time to review the federal component of the 2035 Regional Transportation Plan (RTP).

Metro is required to complete an update to the federal component of the RTP by December 2007 in order to maintain continued compliance with the federal Clean Air Act and address new federal (SAFETEA-LU) planning requirements. The current plan expires on March 5, 2008, under federal planning regulations.

The new federal transportation law—SAFETEA-LU—made changes to requirements for transportation planning, including amending the formal update cycle to four years and making specific changes to requirements affecting planning for special needs, security, safety, system management and operations and environmental mitigation. The changes are addressed in the 2007 update to the plan.

In addition, the federal component of the update focused on:

1. updating regional policies that guide planning and investments in the regional transportation system to respond to key trends and issues facing the region and meet federal planning requirements;
2. incorporating projects and programs that have been adopted in local and regional plans, and corridor studies through a public process since the last RTP update in 2004;
3. updating the transportation revenue forecast and regional investment priorities to match current funding sources and historic funding trends;
4. identifying additional issues to be addressed during the state component of the RTP update in 2008.

After the federal component of the 2035 RTP is submitted to federal agencies for review, the focus will shift to the state component of the RTP update. Additional opportunities for public comment on the state component will be provided in Fall 2008.

Timeline and Process for Development of Federal Component of 2035 RTP

The following section describes the RTP timeline and process for developing the federal component of the 2035 RTP.

June 2006-January 2007 – Research and Policy Development – Metro staff conducted background research on trends and issues affecting travel in the region, convened five stakeholder workshops on desired outcomes and needs for the region's transportation system and conducted scientific public opinion research on transportation needs and priorities. This information is available to download on Metro's website at www.metro-region.org/rtp.

January-March 2007 - Provisional Policy Framework Development – The background research in the previous phase guided development of a provisional draft policy framework that established goals and objectives for the regional transportation system. At the recommendation of the Metro Policy Advisory Committee (MPAC) and the Joint Policy Advisory Committee on Transportation (JPACT), the provisional draft policy framework (Chapter 1) was accepted by the Metro Council to guide identification of transportation needs and investment priorities.

April 2007 – Identification of Regional Mobility Corridor Priorities – In March and April 2007, the Regional Freight and Goods Movement Task Force, MPAC and JPACT participated in separate workshops to identify mobility issues and priorities for investments in the RTP. In April, Metro, TriMet and the Oregon Department of Transportation (ODOT) convened a technical workshop to build on the direction provided in the previous policy-level discussions. Nearly 60 participants attended this workshop, including Transportation Policy Alternatives Committee (TPAC) and Metro Technical Advisory Committee (MTAC) members and other local government staff.

Summer 2007 - RTP Project Solicitation and System Analysis - In June 2007, agencies submitted projects and programs that came from local and regional plans or studies that had been previously adopted through a public process. The investments submitted responded to the provisional policy framework. ODOT and TriMet collaborated with Metro and local agencies to identify investments that respond to mobility corridor priorities identified by the Freight Task Force, JPACT and MPAC in April. In addition, local agency TPAC representatives for each of the three counties worked with the cities within their respective county to identify other community-building investments to complement the regional mobility corridor investments. The result of this effort was the development of the 2035 RTP Investment Pool. Proposed investments were submitted in one of two complementary investment strategy tracks:

- Track 1: State and Regional Mobility Corridor Investment Strategy focuses on regional mobility corridor investments that leverage the 2040 Growth Concept and improve interstate, intrastate and cross-regional people and goods movement.
- Track 2: Community-Building Investment Strategy focuses on community-building investments that leverage 2040 Growth Concept through street and transit system improvements that provide for community access and mobility.

Metro conducted a technical analysis of the performance of the system projects and programs submitted. The results of the analysis are included in the draft document.

August – October 2007 – Development of RTP Financially Constrained System and Draft 2035 - Metro staff worked with local governments, ODOT, SMART and TriMet to narrow the 2035 RTP Investment Pool to match expected revenue that can “reasonably be expected to be available” during the plan period. This set of investments is also called the financially constrained system. In addition, staff further refined the policy framework to respond to key findings of the technical analysis, policy discussions at the Freight Regional and Goods Movement Task Force, MPAC, JPACT and the Metro Council and informal comments provided by local governments and interested stakeholders over the summer.

Public Comment Opportunities

The public comment period is scheduled to begin on October 15 and end on November 15, 2007 at the close of the final Metro Council public hearing. The public comment period will focus on a discussion draft “2035 Regional Transportation Plan Federal Component” that will serve as the public review document.

The public review document will be available for review on Metro's web site (<http://www.metro-region.org/rtp>), and as a printed document during the 30-day public comment period.

You may submit comments in the following ways:

- on-line from Metro's website: www.metro-region.org/rtp
- e-mail to rtp@metro-region.org
- mail to Metro Planning, 600 NE Grand Avenue, Portland, Oregon 97232 (attention: Pat Emmerson)
- fax to (503) 797-1911
- testify at a Metro Council public hearing.

During the comment period, a series of four open houses and public hearings will be held around the region in conjunction with Metro Council meetings:

Open house and public hearing	Date/Time	Location
#1	Thursday, October 25 <ul style="list-style-type: none"> • Open house begins at 4 p.m. • Public hearing begins at 5 p.m. 	Clackamas County Public Services Building 2051 Kaen Road Oregon City, OR 97045
#2	Thursday, November 1 <ul style="list-style-type: none"> • Open house begins at 1 p.m. • Public hearing begins at 2 p.m. 	Metro Regional Center Council Chambers 600 NE Grand Avenue Portland, OR 97232
#3	Thursday, November 8 <ul style="list-style-type: none"> • Open house begins at 4 p.m. • Public hearing begins at 5 p.m. 	Hillsboro Civic Center Auditorium 150 E. Main Street Hillsboro, OR 97123
#4	Thursday, November 15 <ul style="list-style-type: none"> • Open house begins at 1 p.m. • Public hearing begins at 2 p.m. 	Metro Regional Center Council Chambers 600 NE Grand Avenue Portland, OR 97232

Comments received will be entered into the public record and will be provided to staff and elected officials prior to final consideration and action on the federal component of the 2035 RTP. Final consideration by JPACT and the Metro Council is scheduled for December 13, 2007. This action is pending completion of the federally-required air quality conformity analysis.

For more information

For more information, call Regional Transportation Planning at (503) 797-1839, or send e-mail to rtp@metro-region.org. The hearing impaired can call (503) 797-1804.

Overview

Transportation shapes our communities and daily lives in profound and lasting ways. Transportation enables residents of the region to reach jobs and recreation, access goods and services, and meet daily needs. What we plan for and invest in today will affect the health of our economy, residents, communities and environment for generations to come.

Over the past 15 years growth has brought significant opportunity and prosperity to the Portland-Vancouver region. Growth, however, has also brought growing pains. Like many other metropolitan areas across the U.S., the region faces powerful trends that require new ways of thinking about our future. Globalization of the economy, limited funding, increasing transportation costs, aging baby boomers, climate change and other powerful trends must be addressed as we work to keep this region a great place to live and work for everyone.

By 2035, the region will grow by more than 1 million people and add more than 500,000 jobs, doubling trips on the transportation system each day. By 2035, freight transportation needs are expected to more than double the freight, goods and services that will travel to this region by air and over bridges, roads, water and rails.

To address current transportation needs and prepare for future growth, the region must invest in expanding the transportation system, improving safety and completing key missing links. The Regional Transportation Plan (RTP) must be bolder, smarter and more strategic with transportation investments, and better integrate the region's land use, economic, environmental and transportation objectives in its decision-making process.

This document represents the first major update to the RTP since 2000. The updated plan provides a blueprint for building a sustainable transportation future that allows the region to compete in the global economy and preserve the unique qualities and natural beauty that define our region. An overarching aim of the RTP is to move the region closer to the vision of the 2040 Growth Concept.

The plan expands personal choices for travel, providing safer and more reliable travel between home and school, work, shopping and recreation destinations. The updated RTP emphasizes reliability of the system, particularly for commuting and moving freight. Reliability and other performance measures will be evaluated and monitored through an integrated multi-modal corridor strategy and performance monitoring system. The performance monitoring system will be finalized during the state component of the RTP update in 2008.

Implementation of the plan will be both challenging and exciting, demanding new levels of collaboration among the Metro Council, public and private sector leaders, community groups, businesses and the residents of the region. Our success in addressing the challenges will be measured in many ways and by many people, including future generations who will live and work in the region.



The 2035 Regional Transportation Plan (RTP) provides an updated blueprint to guide transportation planning and investments in the tri-county Portland metropolitan region. This discussion draft document extends the planning horizon of the current plan through the year 2035 and was developed to meet new federal (SAFETEA-LU) planning requirements by the end of 2007.

The focus of this update is on Federal compliance elements, not the Oregon Transportation Planning Rule (TPR) or other regional requirements. The TPR and regional requirements will be the focus of the state component of the update in 2008. Additional opportunities for public comment on the state component will be provided in 2008.

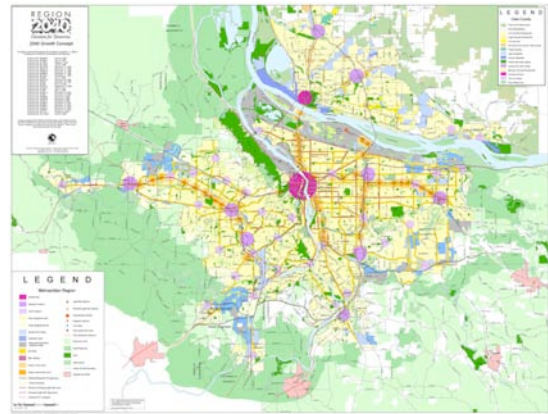
Executive Summary

Linking Transportation to Land Use, the Economy and the Environment

2040 Growth Concept

In the 1990s, the residents of the Portland metropolitan region developed Metro's 2040 Growth Concept through an extensive public process. Adopted in 1995, the concept represents a vision of shared community values and desired outcomes that continue to resonate throughout the region:

- Safe and stable neighborhoods for families
- Compact development that uses land, transportation infrastructure and money more efficiently
- A healthy economy that generates jobs and business opportunities
- Protection of farms, forests, rivers, streams and natural areas
- A balanced transportation system to move people and goods
- Housing for people of all incomes in every community



The Regional Transportation Plan

Metro's transportation planning activities are guided by a federally mandated decision-making framework, called the metropolitan transportation planning process. The Regional Transportation Plan (RTP), first adopted by the Metro Council in 1983, is a long-range blueprint for transportation in the Portland metropolitan region. The RTP is updated every four years to reflect changing conditions in the Portland metropolitan region. The purpose of the RTP is to:

- implement the Region 2040 vision ;
- identify transportation-related actions that respond most effectively to the trends and challenges facing the metropolitan region; and
- comply with federal, state and regional planning requirements.

As the federally designated Metropolitan Planning Organization (MPO), Metro is responsible for coordinating development of the RTP with the region's transportation providers—the 25 cities and three counties in the Metro boundary, the Oregon Department of Transportation, Oregon Department of Environmental Quality, Port of Portland, TriMet, South Metro Area Rapid Transit (SMART), Washington Regional Transportation Council, Washington Department of Transportation and other Clark County governments. 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.

State law establishes a hierarchy of consistency of plans at the state, regional and local levels. The RTP must be consistent with the Oregon Transportation Plan and the Transportation Planning Rule (TPR). Local plans must be consistent with the RTP. The RTP also serves as the threshold for all federal

transportation funding in the Portland metropolitan region. Projects and programs must be included in the RTP financially constrained system to be eligible for federal and state funding.

Challenges and Opportunities Ahead – Five Things You Should Know

The Portland metropolitan region is at an important crossroads.

- **About a million more people are expected to live here in the next 25.** They will all need to get to work, school and stores on the region’s transportation system. Growing congestion is expected to accompany this growth, affecting the economic competitiveness of our region and the State of Oregon, our environment and our quality of life.
- **The Portland-Vancouver metropolitan region is a global transportation gateway and West Coast domestic hub for commerce and tourism.** An international airport, river ports, rail connections and an interstate highway system make this region both a global transportation gateway and West Coast domestic hub for freight and goods movement and tourism-related activities. The 2005 study, *Cost of Congestion to the Economy of the Portland Region*, estimated potential losses in the region of \$844 million annually in 2025 from increased freight costs and lost worker productivity due to increases in travel time if our investments do not keep pace with growth. Freight transportation needs are expected to more than double the amount of freight, goods and services that will travel to this region by air and over bridges, roads, water and rails. The economy of our region and state depends on our ability to support the transportation needs of these industries and provide reliable access to gateway facilities. The economic health of the region also depends on industries that are attracted to the region by our well-trained labor pool, relatively low cost of living and high quality of life.
- **Geopolitical instability and other trends will continue to drive up transportation costs, affecting project costs and household expenditures.** Rising prices for all petroleum products—not just fuel—are here to stay. For example, the price of liquid asphalt jumped 61 percent in Oregon during the first seven months of 2006—from \$207 a ton to \$333 a ton—doubling project costs in some cases. Due to the rising cost of gas and greater driving distances between destinations, transportation costs per household in the region are also increasing. Transportation is the second highest household expense after housing, with lower-income households spending a higher percentage of their income on transportation costs.
- **Federal and state transportation sources are not keeping up with growing needs.** At current spending levels and without new sources of funding, the federal highway trust fund will expend all available revenues projected to be collected by 2009. State and local government purchasing power is steadily declining because the gas tax has not increased since 1993. Reduced purchasing power of current revenues leads to increasing competition for transportation funds, and less capability to expand, improve and maintain the transportation infrastructure we currently have. Meanwhile, the region’s transportation infrastructure continues to age, requiring increasing maintenance. Over the next two decades, the gap will grow between the revenues we have and the investments we need to make just to keep our throughway, street and transit systems in their current condition.
- **Climate change poses a serious and growing threat to Oregon’s economy, natural resources, forests, rivers, agricultural lands, and coastline.** Transportation activities are the second largest source of greenhouse gas emissions in Oregon. Transportation accounts for and estimated 38 percent of the state’s carbon dioxide emissions, and vehicle emissions are predicted to increase by 33 percent by 2025 because of increased driving. New regulations to reduce emissions associated with climate change are likely in the RTP’s planning horizon, which would put more emphasis on less polluting transportation modes.

A Proposed Blueprint to Guide the Region’s Response

The draft plan RTP updates the region's transportation blueprint through the year 2035, responding to the challenges and opportunities ahead. The plan includes:

1. **A renewed focus on protecting livability.** The RTP has a responsibility to serve the needs of residents in the region, protect our unique setting and landscape and leave a better place for future generations. The goals and objectives in Chapter 3 establish a vision of what we want the regional transportation system to look like and achieve in the future, shaping the actions the region will take to achieve that vision. The RTP emphasizes linking transportation planning to the region’s long-range vision for vibrant communities, a healthy economy and environmental protection.
2. **A systems approach that emphasizes completing gaps in the regional transportation network and protecting regional mobility corridors to address safety and congestion deficiencies.** The plan views the transportation system as an integrated and interconnected whole that supports land use and all modes of travel for people and goods movement. This approach relies on a broader, multi-modal definition of transportation need, recognizing that the region’s ability to physically expand right-of-way to increase capacity is limited by fiscal, environmental and land use constraints. This approach responds in part to recent policy direction from the federal and state levels to better link system management with planning for the region’s transportation system and direction from the residents of the region to provide a balanced transportation system that expands transportation choices for everyone. Reliability of the system, particularly for commuting and freight, is emphasized and will be evaluated and monitored through an integrated multi-modal mobility corridor strategy. Completing gaps in pedestrian, bicycle and transit systems is also a critical part of this strategy.

This approach requires more aggressive management of the transportation system and consideration of strategies such as value pricing to better manage capacity and peak use on the throughways in the region. To date, this tool has not been applied in the Portland metropolitan region despite successful application of this tool in other parts of the U.S. and internationally. Value pricing may generate revenues to help with needed transportation investments, however, more work is needed to gain public support for this tool.

3. **A new focus on stewardship and sustainability to preserve our existing transportation assets and achieve the best return on public investments.** Government must be a responsible steward of public

Regional Transportation System Goals

- **Goal 1: Foster Vibrant Communities and Efficient Urban Form**
- **Goal 2: Sustain Economic Competitiveness and Prosperity**
- **Goal 3: Expand Transportation Choices**
- **Goal 4: Emphasize Effective and Efficient Management of the Transportation System**
- **Goal 5: Enhance Safety and Security**
- **Goal 6: Promote Environmental Stewardship**
- **Goal 7: Enhance Human Health**
- **Goal 8: Ensure Equity**
- **Goal 9: Ensure Sustainability**
- **Goal 10: Deliver Accountability**

Regional Transportation System Components

Regional multi-modal transportation facilities and services include the following eight components:

1. Regional Throughway and Street System, which includes the National Highway System (NHS) and State highways
2. Regional Transit System
3. Regional Bicycle System
4. Regional Pedestrian System
5. Regional Freight System
6. Regional Systems Design
7. System Management Strategies
8. Demand Management Strategies

investment and the social, built and natural environments that shape our communities. Planning and investment decisions must consider the land use, economic, environmental and public impacts and benefits of actions as well as dollar costs. We must also prioritize maintaining and optimizing the infrastructure we have, because dollars are too limited to do everything we want. To maximize return on public dollars, the plan places the highest priority on cost-effective transportation investments that achieve multiple goals. The plan also directs future actions to stabilize transportation funding in this region. This includes raising new revenue for needed infrastructure, a crucial step to achieving the Region 2040 vision and specific goals described in Chapter 3.

The RTP recognizes the diversity of transportation needs throughout the Portland-Vancouver metropolitan region, and attempts to balance needs that often compete. While advocating for a transportation system that adequately serves all modes of travel, the plan recognizes that the automobile will likely continue to be chosen by people for most trips over the life of the plan. However, the RTP also recognizes the need for expanded transportation options for traveling to everyday destinations, and to provide access and mobility for those unable to travel by automobile. Even the occasional use of transit, walking, bicycling or sharing a ride can help the region maintain its clean air, conserve energy and efficiently accommodate more people within a compact urban form.

Finally, the RTP recognizes that the transportation system plays a crucial role in sustaining the economic health of the region and the state of Oregon. Many sectors of the regional economy heavily depend on the safe and efficient movement of goods and services by truck, rail, air and water. Additionally, the economic health of the region also depends on industries that have been attracted to the region because of our well-trained labor pool, relatively low cost of living and high quality of life.

Plan Organization

- **Chapter 1 – Regional Decision-Making and Regulatory Context:** This chapter describes Metro’s role in transportation planning, the regional transportation decision-making process and the federal, state and regional regulatory context of the RTP.
- **Chapter 2 – Challenges and Opportunities:** This chapter describes key trends and issues affecting travel in the region and expected growth in population, the economy and travel for the year 2035.
- **Chapter 3 – Regional Policy:** This chapter presents the policy framework of goals, objectives and actions for the regional transportation system that best support the Region 2040 vision.
- **Chapter 4 – Investment Pool:** This chapter describes the projects and programs submitted by local, state and regional agencies responsible for providing transportation infrastructure and services.
- **Chapter 5 – Financial Plan:** This chapter documents a financial analysis of current funding sources and historic funding trends that serve as the basis for the financially constrained system of investments
- **Chapter 6 – Investment Priorities:** This chapter presents the proposed Financially Constrained System, which represents a statement of the highest priority need, given current transportation funding constraints.
- **Chapter 7 – Implementation:** This chapter describes the processes of plan implementation and issues that remain unresolved at the time the federal component of the RTP is adopted.
- **Glossary:** Definitions of transportation-related planning and engineering terms used throughout the document.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 07-3831, FOR THE PURPOSE OF APPROVING THE FEDERAL COMPONENT OF THE 2035 REGIONAL TRANSPORTATION PLAN (RTP) UPDATE

Date: October 9, 2007

Prepared by: Kim Ellis

BACKGROUND

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 region. As the federally designated MPO, Metro is responsible for updating the metropolitan transportation plan, also referred to as the Regional Transportation Plan (RTP), every four years in coordination with the agencies that own and operate the region's transportation system. Metro is also responsible for developing a regional transportation system plan (TSP), consistent with Oregon Transportation Planning Rule (TPR) requirements.

Metro's jurisdictional boundary encompasses the urban portions of Multnomah, Washington and Clackamas counties. Metro's planning partners include the 25 cities, three counties and affected special districts of the region, ODOT, Oregon Department of Environmental Quality (DEQ), Port of Portland, South Metro Area Rapid Transit (SMART), TriMet and other interested community, business and advocacy groups as well as state and federal regulatory agencies such as the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA). 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. The Southwest Washington Regional Transportation Council is the federally designated MPO for the Clark County portion of the Portland-Vancouver metropolitan region.

2035 REGIONAL TRANSPORTATION PLAN UPDATE

The 2035 RTP update represents the first significant update to the plan since 2000. The region is experiencing unprecedented growth and increasing competition for limited funds. The current RTP includes projects that would cost more than twice the anticipated funding. This update involved a new approach to address these issues and federal requirements. 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 new approach (1) included a strong education component to increase community and stakeholder awareness of the issues, (2) used an outcomes-based approach to assess 2040 implementation and to evaluate and prioritize the most critical transportation investments, (3) emphasized collaboration with regional partners and key stakeholders to resolve the complex issues inherent in realizing the region's 2040 Growth Concept, and (4) integrated land use, economic, environmental and transportation objectives that are part of the 2040 Growth Concept. The process considered information learned from the 2005 *Cost of Congestion Study*, 2006 New Look public opinion research and the *Regional Freight and Goods Movement Plan*.

In January 2007, the 2035 RTP update timeline and process was expanded by the Metro Council, at the recommendation of JPACT, to allow for completion of the federal component of the 2035 RTP before the

current plan expires on March 5, 2008 and provide for additional technical analysis and policy development to address state and regional planning requirements by Fall 2008.

The federal component of the update is anticipated to be complete by December 2007 to allow adequate time to complete air quality conformity analysis and federal consultation before the current plan expires on March 8, 2008.

SUMMARY OF DECISION-MAKING FRAMEWORK

Metro's transportation planning activities are guided by a federally mandated decision-making framework, called the metropolitan transportation planning process. Metro leads this process in consultation and coordination with federal, state, regional and local governments, and engagement of other stakeholders with an interest in or who are affected by this planning effort. 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 update process relied on this existing decision-making structure for development, review and adoption of the plan. MPAC, JPACT and the Metro Council made 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 for additional consultation with state and federal resource agencies, and tribal groups not represented on Metro's existing committee structure were met through a consultation meeting with the Collaborative Environmental Transportation Agreement for Streamlining (CETAS) work group, consisting of the Oregon Department of Transportation and ten state and federal transportation, natural resource, cultural resource and land-use planning agencies, on October 16.

Finally, the *Regional Freight and Goods Movement Plan* element of the RTP update was guided by a Council-appointed 33-member Task Force and a Technical Advisory Committee (TAC).¹ Recommendations from the Regional Freight TAC were forwarded to the Regional Freight and Goods Movement Plan Task Force. The Task Force recommendations to date have been forwarded to the 2035 Regional Transportation Plan process for adoption into the region's long-range transportation system plan.

APPROACH AND TIMELINE DEVELOPMENT OF FEDERAL COMPONENT OF 2035 RTP

The process addressed new federal planning requirements, including SAFETEA-LU legislation. The new federal transportation law—SAFETEA-LU—made changes to requirements for transportation planning, including amending the formal update cycle to four years and making specific changes to requirements affecting planning for special needs, security, safety, system management and operations and environmental mitigation. The changes are addressed in this update to the plan.

Consistent with SAFETEA-LU, the federal component of the update focused on:

1. updating regional policies that guide planning and investments in the regional transportation system to respond to key trends and issues facing the region and meet federal planning requirements;

¹ The Regional Freight and Goods Movement Task Force was 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) was 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.

2. incorporating projects and programs that have been adopted in local and regional plans, and corridor studies through a public process since the last RTP update in 2004;
3. updating the transportation revenue forecast and regional investment priorities to match current funding sources and historic funding trends that are “reasonably anticipated to be available;”
4. identifying additional issues to be addressed during the state component of the RTP update in 2008.

The following section describes the RTP timeline and process for developing the federal component of the 2035 RTP.

June 2006-January 2007 – Research and Policy Development – Metro staff conducted background research on trends and issues affecting travel in the region, convened five stakeholder workshops on desired outcomes and needs for the region’s transportation system and conducted scientific public opinion research on transportation needs and priorities. This information is available to download on Metro’s website at www.metro-region.org/rtp.

January-March 2007 - Provisional Policy Framework Development – The background research in the previous phase guided development of a provisional draft policy framework that established goals and objectives for the regional transportation system. At the recommendation of the Metro Policy Advisory Committee (MPAC) and the Joint Policy Advisory Committee on Transportation (JPACT), the provisional draft policy framework (Chapter 1) was accepted by the Metro Council to guide identification of transportation needs and investment priorities.

April 2007 – Identification of Regional Mobility Corridor Priorities – In March and April 2007, the Regional Freight and Goods Movement Task Force, MPAC and JPACT participated in separate workshops to identify mobility issues and priorities for investments in the RTP. In April, Metro, TriMet and the Oregon Department of Transportation (ODOT) convened a technical workshop to build on the direction provided in the previous policy-level discussions. Nearly 60 participants attended this workshop, including Transportation Policy Alternatives Committee (TPAC) and Metro Technical Advisory Committee (MTAC) members and other local government staff.

Summer 2007 - RTP Project Solicitation and System Analysis - In June 2007, agencies submitted projects and programs that came from local and regional plans or studies that had been previously adopted through a public process. The investments submitted responded to the provisional policy framework. ODOT and TriMet collaborated with Metro and local agencies to identify investments that respond to mobility corridor priorities identified by the Freight Task Force, JPACT and MPAC in April. In addition, local agency TPAC representatives for each of the three counties worked with the cities within their respective county to identify other community-building investments to complement the regional mobility corridor investments. The result of this effort was the development of the 2035 RTP Investment Pool. Proposed investments were submitted in one of two complementary investment strategy tracks:

- **Track 1: State and Regional Mobility Corridor Investment Strategy** focuses on regional mobility corridor investments that leverage the 2040 Growth Concept and improve interstate, intrastate and cross-regional people and goods movement.
- **Track 2: Community-Building Investment Strategy** focuses on community-building investments that leverage 2040 Growth Concept through street and transit system improvements that provide for community access and mobility.

Metro conducted a technical analysis of the performance of the system projects and programs submitted. The results of the analysis are included in the federal component of the 2035 RTP.

August – October 2007 – Development of RTP Financially Constrained System and Draft 2035 - Metro staff worked with local governments, ODOT, SMART and TriMet to narrow the 2035 RTP Investment Pool to match expected revenue that can “reasonably be expected to be available” during the

plan period. This set of investments is also called the financially constrained system. In addition, staff further refined the policy framework to respond to key findings of the technical analysis, policy discussions at the Freight Regional and Goods Movement Task Force, MPAC, JPACT and the Metro Council and informal comments provided by local governments and interested stakeholders over the summer.

SUMMARY OF STAKEHOLDER ENGAGEMENT AND PUBLIC PARTICIPATION PLAN FOR THE FEDERAL COMPONENT OF THE 2035 RTP UPDATE

The public participation plan was designed to meet regional and federal requirements for public participation and respond to the key issues raised during the scoping phase in 2006. 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 was the primary focus of the public participation plan. A variety of methods for engaging public agencies and targeted public and private sector stakeholder groups were used, including focused discussions at Regional Forums, Mayors'/Chair's Forums, stakeholder workshops, Metro Advisory Committees and established County Coordinating Committee's meetings, technical workshops and other methods of communication and engagement as described below. In September and October of 2006, Metro staff also met with several groups of citizens and planners to solicit input on the bicycle and pedestrian needs and issues background reports. The groups included local citizen bicycle and/ pedestrian citizen advisory groups, local bicycle and pedestrian planners/advocates and the Regional Trails working group. Metro held a separate bike and pedestrian workshop with local pedestrian and bike planners from local and state government, advocacy groups and the private sector. The participants provided information about trends and current research underway, barriers to developing the pedestrian and bicycle systems, and policy gaps at the regional level.

A second priority for outreach is the general public. The general public was engaged and provided opportunities to give input throughout the planning process. A significant element of this portion of the work program was a scientific public opinion survey that was conducted to solicit a statistically valid measure of public values and needs. In addition, Metro's website hosted an interactive project website that included an on-line survey during the research phase of the update. The project website was also 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 included a 2035 RTP update message program that includes timely information about key decision points and provided an option for requesting additional information. In addition, feedback was solicited on a discussion draft 2035 RTP during the public comment period that was held from October 15 to November 15, 2007, through four Metro Council public hearings, Metro's website and four open houses held during the comment period.

Media outreach was 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. This included briefings of reporters and editorial boards, press releases, media packets and civic journalism. Several electronic-newsletters and fact sheets were developed throughout the process and at

key decisions points. The newsletters and fact sheets were distributed through Metro's website, at events and upon request. Summary reports documenting the results and findings of major tasks were also developed and made available on Metro's website and through presentations at Metro's advisory committees.

Notices of key decisions were distributed through community newspapers, electronic newsletters, the transportation hotline and the Metro website. A formal 30-day public comment period was held to coincide with release of a discussion draft RTP in September 2007. Comments were collected through Metro's website, US mail, fax, email and testimony provided at four Metro Council public hearings during this period. Comments received were entered into the public record and provided to staff and elected officials prior to final consideration and action on the federal component of the 2035 RTP. Finally, 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.

OUTSTANDING ISSUES TO BE ADDRESSED DURING STATE COMPONENT OF THE 2035 RTP UPDATE

The system the region can afford with "expected revenue" is not expected to be sufficient to achieve the region's vision for the future. The state component of the RTP update will, as a result, focus on identifying those investments that the region truly needs to achieve the 2040 Growth Concept and RTP goals, and developing a funding strategy that supports implementation of those investments over time.

After the federal component of the 2035 RTP is submitted to federal agencies for review, the focus will shift to the state component of the RTP update. The state component of the 2035 RTP will continue in 2008 to address outstanding issues identified during the federal component of the 2035 RTP, including amendments to both the Oregon TPR and Oregon Transportation Plan, and development of a transportation finance strategy to funded needed investments that exceed revenues anticipated to be available during the plan period.

Staff recommends these areas to be the focus of policy discussion and additional technical analysis during the state component of the RTP update in 2008:

1. Performance measures and evaluation framework

Background: The first round of technical analysis (which included the RTP investment pool of projects) demonstrated that system-level measures are no longer sufficient to determine whether investments lead to a safe, efficient and reliable transportation system or meet other RTP goals for land use, the economy and the environment.

What does an outcomes-based evaluation and monitoring framework look like? What measures and benchmarks are most important?

2. Congestion management and regional mobility corridors

Background: How to address increasing demand on our multimodal transportation system is a critical issue for the region, particularly the *Regional Mobility Corridors* – transportation corridors centered on the region's network of interstate and state highways that include parallel networks of arterial roadways, high capacity and regional transit routes and multi-purpose paths. The network of corridors is intended to move people and freight between different parts of the region and connect the region with the rest of the state and beyond. Despite significant investments assumed in the region's transit and roadway systems, the region appears to lose ground on congestion and system reliability. When the pool of investments is narrowed to match available revenue to develop the Financially Constrained RTP, additional congestion and reductions in system reliability are expected.

How should the region measure success for these corridors and what is the mix of strategies and investments that will help us get there?

3. **Oregon Transportation Planning Rule (TPR) implications for land use**

Background: Recent amendments to the TPR may affect the region's ability to manage growth consistent with the 2040 Growth Concept.

What are the implications of recent TPR amendments on the ability of the RTP and local TSPs to comply with OAR 660-012-0060, which requires land use and transportation plans to be balanced?

4. **Transportation finance**

Background: The region's funding gap is so significant, the region must use every tool at our disposal to address current and future transportation needs in support of the Region 2040 Growth Concept. The region needs a strategy that effectively links land use and transportation investment decisions. Community building investments are tied primarily to locally generated growth-related revenues. In addition, new growth areas need seed money before system development charges can begin to be collected. Both short-term and long-term strategies are needed to raise new revenues to fund needed investments.

How do we know what level of investment we need to achieve Region 2040? Who should have primary responsibility for addressing needs on ODOT's state and district highways? Who should have primary responsibility for addressing operations, maintenance and other needs of regional bridges? What funding sources should be used to address all of the different regional mobility and community building needs?

Additional opportunities for public comment on the state component will be provided in Fall 2008.

ANALYSIS/INFORMATION

1. **Known Opposition:** None known.
2. **Legal Antecedents:** There are a wide variety of past Federal, State and regional legal actions that apply to this action.

Federal regulations include:

- Clean Air Act, as amended [42 U.S. C. 7401, especially section 176(c)];
- Federal statutes concerning air quality conformity [23 U.S.C. 109(j)];
- US EPA transportation conformity rules (40 CFR, parts 51 and 93); and
- USDOT rules that require Metro to update RTPs on a four-year cycle [23 CFR 450.322(a)].

State regulations include:

- Oregon Administrative Rules for Transportation Conformity, (OAR Chapter 340, Division 252); and
- Portland Area Carbon Monoxide Maintenance Plan and Portland Area Ozone Maintenance Plan.

Metro legislation includes:

- 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.

- Resolution No. 06-3661 (For the Purpose of Approving A Work Program For the 2035 Regional Transportation Plan (RTP) Update and Authorizing the Chief Operating Officer to Amend Contract No. 926975), on June 15, 2006; and
- Resolution No. 07-3793 (For the Purpose of Accepting the Chapter 1 Regional Transportation Policy Framework as the Provisional Draft For the Purpose Of Completing Phase 3 of the 2035 Regional Transportation Plan (RTP) Update), on March 15, 2007.

3. **Anticipated Effects:** The proposed federal component of the 2035 Regional Transportation Plan meets federal requirements for metropolitan transportation planning. With approval, staff will proceed with the federally-required air quality conformity analysis and development of federal findings of compliance.

4. **Budget Impacts:** There is no financial impact to approval of this resolution.

RECOMMENDED ACTION

Approve Resolution No. 07-3831.

Resolution No. 07-3882, Authorizing Execution of Development Agreement with Project Developer; Authorizing Negotiations For Intergovernmental Agreements and Project Funding; and Authorizing Use of Metro Tourism Opportunity and Competitiveness Account (MTOCA) Funds

Contract Review Board

Metro Council Meeting
Thursday, November 8, 2007
Hillsboro Civic Center Chamber

BEFORE THE METRO COUNCIL CONTRACT REVIEW BOARD
AND MERC CONTRACT REVIEW BOARD AND METRO COUNCIL

RESOLUTION OF METRO COUNCIL, ACTING)	RESOLUTION NO. 07-3882
AS THE METRO AND MERC CONTRACT)	
REVIEW BOARD, AUTHORIZING EXECUTION)	
OF DEVELOPMENT AGREEMENT WITH)	
PROJECT DEVELOPER; AUTHORIZING)	Introduced by Metro Council President David
NEGOTIATIONS FOR INTERGOVERNMENTAL)	Bragdon and Metro Councilor Rod Park
AGREEMENTS AND PROJECT FUNDING; AND)	
AUTHORIZING USE OF METRO TOURISM)	
OPPORTUNITY AND COMPETITIVENESS)	
ACCOUNT (“MTOCA”) FUNDS)	
)	

WHEREAS, the Metro Council is responsible for the operation of the Metropolitan Exposition and Recreation Commission (MERC), including the Oregon Convention Center (“OCC”); and

WHEREAS, the mission of the OCC is to maximize economic benefits for the metropolitan region and the state of Oregon, while protecting the public investment in the facility; and;

WHEREAS, on February 8, 2007, Metro Council Resolution No. 07-3748A (“Resolution of Metro Council, Acting as the Metro and MERC Contract Review Board, Adopting Findings Granting an Exemption to the Metro and MERC Contracting Rules, Authorizing Acceptance of PDC’s Contracting Process; Authorizing Exclusive Negotiations with the Selected Project Team; and Authorizing Use of Alternative Contracting Methods for Design, Construction, Management, Operation and Financing of the OCC Headquarters Hotel”), accepted the results of the Portland Development Commission’s (“PDC”) public contracting process and authorized Metro and MERC staff to enter into exclusive negotiations with the Development Team identified and recommended by the PDC’s competitive process, the Headquarters Hotel Developer Selection Process and the OCC Headquarters Hotel Evaluation Committee: Garfield Traub Development / Ashforth Pacific Inc., Developer, and the Development Team of the architectural firm Zimmer Gunsul Frasca; the construction firm Turner Construction Inc., and the hotel operator/flag Starwood Hotels/Westin, for the purpose of developing, designing, constructing, and operating the Oregon Convention Center Headquarters Hotel (“Project”), if such agreements can be negotiated that adequately protect Metro’s financial interests and overall purposes in engaging in the Project; and

WHEREAS, on September 27, 2007, in Metro Council Resolution No. 07-3868B (“Resolution of Metro Council Authorizing Negotiations for Funding of and Creating a Financing Plan for the Development of a 600-Room, Publicly Owned, Privately Operated, Convention Center Headquarters Hotel Project; and Authorizing Continued Negotiations for a Development Agreement With the Project Developer”) the Metro Council committed itself, and authorized and directed the Metro Chief Operating Officer, the Metro Chief Financial Officer, and the Office of Metro Attorney, to identify and negotiate with other public entities and Project beneficiaries to secure additional funding for the Project, and directed the Metro Chief Operating Officer to conduct a preliminary evaluation regarding the level of other Project beneficiaries’ apparent willingness to financially contribute to the Project, and directed the Metro Chief Operating Officer to report back to the Metro Council by November 1, 2007; and

WHEREAS, Metro Council Resolution No. 07-3868B authorized the Office of Metro Attorney, Metro and MERC staff, and Metro's economic consultants to continue negotiations with the Project Development Team of the Development Agreement including the costs, terms and conditions for the development of the Project, and directed that the Development Agreement shall be brought back to the Metro Council for review and approval as soon as negotiations were completed; and

WHEREAS, the 2007-08 adopted Metro budget included a transfer of Six Hundred Sixty-Nine Thousand and Seven Hundred Twenty Dollars (\$669,720.00) from the Metro Tourism Opportunity and Competitiveness Account ("MTOCA") in the Metro general fund to the MERC Fund; and on October 24, 2007 the MERC Commission passed Resolution 07-28 recommending the investment of this \$669,720.00 in MTOCA funds in the next phase of development costs for the Project; and

WHEREAS, the Metro Chief Operating Officer has reported to the Metro Council that the preliminary discussions with other public entities and indicate that there is political support by some members of those public bodies and a willingness to negotiate financial contributions to the Project sufficient to encourage the Metro Council to continue forward with the next phase of the Project; and

WHEREAS, the Development Agreement provides, among other material terms in the Agreement, for a six-month Feasibility Period in which Metro will pay Developer (for allocation among the Development Team) Six Hundred Thousand Dollars (\$600,000.00), and Developer will prepare and deliver to Metro in this phase: a preliminary Project Schedule, conceptual Project drawings, a preliminary Project Budget, and the following agreements in substantially final form: a Design-Build Agreement between Developer and General Contractor; a Design-Build Architect/Engineer Agreement between General Contractor and Architect ("Architect Agreement"); a Pre-Opening and Technical Services Agreement between Metro, Developer, and Operator; a Hotel Operating Agreement between Metro, Developer, and Operator; and a Room Block Commitment Agreement between Metro and Operator ("Developer's Feasibility Period Deliverables"); and

WHEREAS, the Development Agreement provides that at the expiration of the Feasibility Period, Metro will have 60 days to bring to the Metro Council for the Metro Council's review and approval, the Developer's Feasibility Period deliverables, and any Intergovernmental or other agreements that Metro has negotiated, to determine whether, in the Metro Council's sole discretion, to continue on to the next phase of Project development in accordance with the Development Agreement and pay additional fees or to terminate the Development Agreement; and

WHEREAS, the Development Agreement provides that if the Metro Council determines at the end of the 60 days following the six-month Feasibility Period to continue on to the next phase of Project development, that there will follow two additional seven (7) month pre-construction development phases, as set forth in the Development Agreement, in which Developers will deliver for specified fees additional drawings, budget estimates, pro formas, and ultimately a Developer Guaranteed Maximum Price ("DGMP"), and at each successive phase the Metro Council shall have the opportunity to terminate the Project if the updated budgets or DGMP exceed the Project Budget approved in the Feasibility Period; now therefore,

BE IT RESOLVED by the Metro Council that:

1. **Authorization to Execute Development Agreement with the Developer, Garfield Traub-Ashforth Pacific (GTA):** The Metro Council hereby authorizes and directs the Metro Chief Operating Officer to execute a Development Agreement with the Developer, GTA, in a form substantially similar to that which has been negotiated to date, or in a form approved by the Office of the Metro Attorney, and authorizing an initial Feasibility Period Payment to be paid to Developers (for allocation to the Project Team) in the amount of \$600,000.00 upon execution of the Development Agreement, as well as to follow the other terms and conditions set forth in the Development Agreement; and
2. **Authorization to Negotiate Intergovernmental Agreements (“IGAs”) or Other Agreements to Implement Project Financing Plan, Land Transfer, and Formalize Additional Project Funding Sources:** The Metro Council hereby authorizes and directs the Metro Chief Operating Officer and the Office of Metro Attorney to negotiate with other public entities, including the Portland Development Commission, the City of Portland, Multnomah County, the Port, and the state of Oregon, as well as any direct and/or indirect Project or Oregon Convention Center beneficiaries, to secure within the upcoming six-month Development Agreement Feasibility Period funding for the Project as may be determined necessary or beneficial by the Metro Chief Financial Officer and Metro’s financial advisors; however, any IGAs or financing or other agreements that may be negotiated under this provision shall be contingent upon the review and specific approval of the Metro Council; and
3. **Authorization to Use Metro Tourism Opportunity and Competitiveness Account (“MTOCA”) Funds for the Oregon Convention Center Headquarters Hotel Project Feasibility Period Payment:** The Metro Council hereby authorizes and approves the expenditure of \$669,720.00 in funds from the MTOCA, previously budgeted during the 2007-08 budget process as a transfer of \$669,720.00 from MTOCA in the Metro general fund to the MERC Fund, to fund the Feasibility Period costs associated with the development of the Oregon Convention Center Headquarters Hotel Project.

ADOPTED by the Metro Council and the Metro and MERC Contract Review Board this _____ day of November 2007.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney
Alison Kean Campbell, Metro Senior Assistant Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 07-3882, RESOLUTION OF THE METRO COUNCIL, ACTING AS THE METRO AND MERC CONTRACT REVIEW BOARD, AUTHORIZING EXECUTION OF DEVELOPMENT AGREEMENT WITH PROJECT DEVELOPER; AUTHORIZING NEGOTIATIONS FOR INTERGOVERNMENTAL AGREEMENTS AND PROJECT FUNDING STRUCTURES; AND AUTHORIZING USE OF METRO TOURISM OPPORTUNITY AND COMPETITIVENESS ACCOUNT (“MTOCA”) FUNDS

Date: October 31, 2007

Prepared by: Tony Andersen

BACKGROUND

Metro owns and operates the Oregon Convention Center (“OCC”) as a public asset. The mission of the OCC is to “maximize economic benefits for the metropolitan region and the State of Oregon while protecting the public investment in the facility.”

Large-scale, national conventions generate the greatest revenue for the OCC and provide the greatest economic benefit to the region. In recent years, bookings for high-impact national conventions at the Oregon Convention Center have leveled off. In February 2007, the Metro Council asked MERC and Metro staff to investigate alternatives that could ameliorate this situation. A series of reports by independent consultants were completed to analyze the causes of the decrease in national conventions and also to analyze suggested alternatives. The consulting firm ECONorthwest was commissioned to review the methodology and conclusions of the reports.

At its September 27, 2007 public meeting the Metro Council formally selected the 600-room, publicly funded and privately operated Headquarters Hotel alternative, and the Council committed itself and directed Metro and MERC staff to identify and begin negotiations with other public entities and Project beneficiaries to begin to secure additional funding for the Project. To that end, the Metro Council, by Resolution, directed the Metro Chief Operating Officer to conduct a preliminary evaluation regarding the level of other Project beneficiaries’ apparent willingness to financially contribute to the Project, and directed the Metro Chief Operating Officer to report back to the Metro Council by November 1, 2007. Also at the September 27, 2007 public meeting, the Metro Council authorized the Office of Metro Attorney and Metro and MERC staff to continue negotiating the Development Agreement with the Project Development Team, and directed that the Development Agreement be brought back to the Metro Council for review and approval as soon as negotiations were completed.

STAFF RECOMMENDATION

As a result of the work and the meetings conducted by members of the Metro Council and Metro and MERC staff with other governmental entities in the metropolitan area, Metro has received positive preliminary reactions to the OCC Headquarters Hotel Project. The Metro Chief Operating Officer reports that, based on these preliminary discussions with other public entities, there is political support by a majority of members of those other public bodies sufficient to encourage Metro to move forward with the

next phase of the Project development, and enter into a Development Agreement with the Project Developer.

Due to the previously-identified need to secure additional funding for the Project, staff also recommends that simultaneous with moving forward with the next phase of Project development as set forth in the Development Agreement, that Metro continue to secure from other sources than those that are currently available, a Project financing plan that adequately funds debt service, risk scenarios, capitalized bond interest, bond insurance, and sinking fund requirements, while protecting Metro's general fund and existing programs from undue risk.

ANTICIPATED EFFECTS

If the Metro Council accepts the staff recommendation to proceed with this Project and enter into the Development Agreement, then Project development will move forward in earnest once the Development Agreement is signed. The initial six-month Feasibility Period activities set forth in the Development Agreement will be undertaken, including the following Developer's Feasibility Deliverables to be provided by Developer to Metro within five (5) months of executing the Development Agreement: a preliminary Project Schedule, conceptual Project drawings, a preliminary Project Budget, and the following agreements in substantially final form: a Design-Build Agreement between Developer and General Contractor; a Design-Build Architect/Engineer Agreement between General Contractor and Architect ("Architect Agreement"); a Pre-Opening and Technical Services Agreement between Metro, Developer, and Operator; a Hotel Operating Agreement between Metro, Developer, and Operator; and a Room Block Commitment Agreement between Metro and Operator. In addition, during the Feasibility Period Metro will simultaneously be negotiating with the other Project beneficiaries, both public and private, to secure funding for the Project, as well as negotiating an agreement with the Portland Development Commission for transfer of the land upon which the hotel will be located. At the end of the six-month Feasibility Period, Metro will have up to 60 days to review the preliminary Project budget and other Developer Deliverables, as well as all the agreements with Project partners, in order to determine whether to terminate the Project and Metro's continued financial obligations for it, or to continue on to the next phase of Project development.

BUDGET IMPACTS

The Development Agreement, if executed, calls for an initial Feasibility Period payment from Metro to Developer (for allocation among the Development Team) of Six Hundred Thousand Dollars (\$600,000.00) for the Feasibility Period Developer Deliverables, which will be initially paid for out of the OCC Operating Fund via the MTOCA funds. If the Metro Council decides to terminate the Development Agreement and the Project at the end of the 60-day review period after receipt of the Feasibility Period Developer Deliverables, then there will be no other financial obligation to Metro (other than for the limited architectural work that will have proceeded during Metro's review period).

After the Feasibility Period, the Development Agreement provides for several additional "off ramps" and decision points based on the continuing refinement of the Project drawings and Project budget estimates. During each phase that is authorized, additional specified development, architectural, and construction fees will be due for additional services and deliverables rendered to Metro and the Project. For example, the Development Agreement provides that if the Metro Council determines, at the end of the 60 day post-Feasibility Period review period, to go forward to the next stage of Project development, there will follow two additional seven (7)-month pre-construction development phases, in which Developers will deliver for specified fees additional drawings, budget estimates, pro formas, and ultimately a Developer

Guaranteed Maximum Price (“DGMP”), and at each successive phase the Metro Council shall have the opportunity to terminate the Project if the updated budgets or DGMP exceed the Project Budget approved during the previous development phase. These fees will ultimately be recouped from any Bond proceeds that are issued for the Project, unless the Project is terminated prior to bonding.

KNOWN OPPOSITION

Some hoteliers have expressed concern that the proposed Oregon Convention Center Headquarters Hotel will negatively impact their businesses. Some individuals have expressed opposition to the public sector undertaking a development of this size and scope. Some individuals have expressed an opinion that the project is too risky.

LEGAL ANTECEDENTS

On February 8, 2007 the Metro Council passed two resolutions and one ordinance regarding the Oregon Convention Center Headquarters Hotel Project: Resolution No. 07-3772 “A Resolution Designating the Oregon Convention Center Headquarters Hotel as a Council Project and Assigning a Lead Councilor and Council Liaison,” Resolution No. 07-3748A “Adopting Findings Granting an Exemption to the Metro and MERC Contracting Rules, Authorizing Exclusive Negotiations with the Selected Project Team; and Authorizing Use of Alternative Contracting Methods for Design, Construction, Management, and Operations and Financing of the OCC Headquarters Hotel,” and Ordinance 07-1140 “For the Purpose of Amending the FY 2006-07 Budget and Appropriations Schedule Amending the Metropolitan Exposition Recreation Commission (MERC) Operating Fund and Declaring an Emergency.” On September 27, 2007 the Metro Council passed Resolution 07-3868A “A Resolution of Metro Council Authorizing Negotiations for Funding of and Creating a Financing Plan for the Development of a 600-Room, Publicly Owned, Privately Operated, Convention Center Headquarters Hotel Project; and Authorizing Continued Negotiations for a Development Agreement With the Project Developer.”

RECOMMENDED ACTION

Staff recommends the adoption of Resolution No. 07-3882.