



**METRO**

**Agenda**

MEETING: METRO COUNCIL  
DATE: November 29, 2007  
DAY: Thursday  
TIME: 5:30 PM  
PLACE: Wilson High School Cafeteria

**CALL TO ORDER AND ROLL CALL**

**1. INTRODUCTIONS**

**2. CITIZEN COMMUNICATIONS**

**3. HILLSDALE TOWN CENTER PRESENTATION**

**4. TRANSIT-ORIENTED DEVELOPMENT AND CENTERS PROGRAM** Whitmore

**5. CONSENT AGENDA**

5.1 Consideration of Minutes for the November 15, 2007 Metro Council Regular Meeting.

5.2 **Resolution No. 07-3877**, For the Purpose of Confirming the Council President's Appointments to the Transportation Policy Alternatives Committee (TPAC) For 2008-2009.

5.3 **Resolution No. 07-3886**, For the Purpose of Confirming the Appointment of Jim Stahly to the Metro central Station Community Enhancement Committee (MCSCEC).

**6. ORDINANCES - SECOND READING**

6.1 **Ordinance No. 07-1168**, For the Purpose of Amending Metro Code Chapter 2.21 (Claims under ORS 197.352) to Implement Ballot Measure 49 and Declaring an Emergency. Liberty

**7. CHIEF OPERATING OFFICER COMMUNICATION**

**8. COUNCILOR COMMUNICATION**

**ADJOURN**

**Television schedule for November 29, 2007 Metro Council meeting**

The Nov. 29 Metro Council meeting will be held at 5:30 p.m. at Wilson High School and will not be broadcast live. All subsequent replays listed below will be of the Nov. 29 meeting.

<b>Clackamas, Multnomah and Washington counties, and Vancouver, Wash.</b> Channel 11 -- Community Access Network <a href="http://www.tvctv.org">www.tvctv.org</a> -- (503) 629-8534 2 p.m. Thursday, Nov. 29 (replay of other meeting)	<b>Portland</b> Channel 30 (CityNet 30) -- Portland Community Media <a href="http://www.pcmv.org">www.pcmv.org</a> -- (503) 288-1515 8:30 p.m. Sunday, Dec. 2 2 p.m. Monday, Dec. 3
<b>Gresham</b> Channel 30 -- MCTV <a href="http://www.mctv.org">www.mctv.org</a> -- (503) 491-7636 2 p.m. Monday, Dec. 3	<b>Washington County</b> Channel 30 -- TVC-TV <a href="http://www.tvctv.org">www.tvctv.org</a> -- (503) 629-8534 11 p.m. Saturday, Dec. 1 11 p.m. Sunday, Dec. 2 6 a.m. Tuesday, Dec. 4 4 p.m. Wednesday, Dec. 5
<b>Oregon City, Gladstone</b> Channel 28 -- Willamette Falls Television <a href="http://www.wftvaccess.com">www.wftvaccess.com</a> -- (503) 650-0275 Call or visit website for program times.	<b>West Linn</b> Channel 30 -- Willamette Falls Television <a href="http://www.wftvaccess.com">www.wftvaccess.com</a> -- (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](http://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).

**HILLSDALE TOWN CENTER PRESENTATION**

Metro Council Meeting  
Thursday, November 29, 2007  
Wilson High School

**TRANSIT-ORIENTED DEVELOPMENT AND CENTERS  
PROGRAM**

Metro Council Meeting  
Thursday, November 29, 2007  
Wilson High School

ANNUAL  
REPORT  
2007

# Transit-Oriented DEVELOPMENT AND Centers PROGRAM



METRO



Council President  
David Bragdon



Councilor Rod Park,  
District 1



Councilor Carl Hosticka,  
District 3



Councilor Kathryn  
Harrington, District 4



Councilor Rex  
Burkholder, District 5



Councilor Robert Liberty,  
District 6

## **METRO**

People places • open spaces

### **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

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.

[www.metro-region.org](http://www.metro-region.org)

# Transit-Oriented Development and Centers Program

## ANNUAL REPORT 2007

**U**nder the rally cry, “Planning is not enough”, Metro’s Transit - Oriented Development Implementation Program (TOD Program) set out in the mid-nineties to provide public policy makers, private developers, and citizens of the region built examples of growing “up, not out,” and to demonstrate the potential of public-private partnerships for placemaking-- an ethereal mixture of principled urban design, commerce, and the human desire for physical community.

After only a decade of operation, the TOD Program has been instrumental in the completion of many of the regions’ most important TODs and has acquired key opportunity sites at light rail stations. Moreover, because the Program has been actively engaged in the design and construction of real projects, it has had the opportunity to tease out, then remove obstacles relating to the creation of transit villages, main streets and mixed-used urban centers.

The first section of this *2007 Annual Report* provides an overview of the Program, its objectives, benefits, customers, funding history and milestones. The second section constitutes a compilation of statistics. The metrics used are a direct response to a request by Councilor Robert Liberty, the TOD Program’s liaison to the Metro Council. The third and final section describes the Program’s administration, governance, cost-benefit analysis used to evaluate potential projects, and the funding mechanisms most frequently employed to fund projects.

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North Main Village

## AWARDS & RECOGNITION

**Center Commons**  
AIA / HUD National Mixed Use Project Award

**Central Point**  
Governor's Livability & Design for Best TOD Award

**The Crossings**  
Multi-housing News Best Transit-Oriented Design Award

**North Main Village**  
Oregon Downtown Development Association Pioneering Award

**Bside 6**  
AIA Portland Unbuilt Merit Award 2007

## PROGRAM OVERVIEW

### Program Context

Metro's growth management plan, the 2040 Growth Concept, calls for the region to grow up rather than out, away from farm and forest land by limiting expansion and focusing growth around the region's 44-mile MAX Light Rail Transit (LRT) line, along frequent bus corridors and in mixed-use urban centers. The TOD/Centers Program pursues the Growth Concept by providing public investments to developers to build more intensely and with higher attention to creating a walkable environment than the market would complete on its own. A TOD or Centers development will result in a higher share of travel from transit, walking and biking and a lower percent by an automobile.

In a survey of the Merrick, a TOD project in the Lloyd District, only 53% of the travel trips generated were by auto, compared to 87% for the balance of the region; 60% of the residents state they drive a little to a lot less and 70% use transit a little to a lot more. On commute to work or school, only 44% of the residents regularly use a private vehicle. Clearly, travel behavior can be dramatically influenced by the shape of the community surrounding transit.

Planning allows, but does not cause certain development patterns. Metro or a local government may choose a course of regulation and/or public incentives to achieve desired results. Metro through the TOD/Centers Program uses public investment to help shape desired development.

In essence, the TOD Program attempts to "push the envelope." For example, if the real estate market at an LRT station area or center will typically support building three stories, the program pushes for four stories. If the market supports four stories, the program pushes for five stories, etc. Similarly, the program pushes for single-use projects to become mixed-use projects and encourages lower parking ratios.

The TOD Program is the only Metro program that attempts to influence development by delivering "bricks and mortar" rather than providing traditional planning and regulation. It has been in existence since 1998, has already funded 29 projects, helped bring 17 projects to construction or completion, and has 9 more in design and development. The Centers Implementation Program, which was initiated in 2004, has already resulted in 3 different projects, which are included in that total; one completed (Milwaukie North Main); one under construction (Watershed in Hillsdale); and one in design and development (Milwaukie-Texaco).

Metro's TOD Program is the first in the United States that used federal transit administration funds to acquire a TOD development site for private development. The program was featured in the British Broadcasting Corporation's (BBC) series, "The World's Best Public Services," in August 2006 and shown worldwide.



## Program Benefits

The program encourages private-sector construction of higher-density, mixed-use projects near transit stations, with pedestrian amenities. The primary benefit is that the Program helps shape the community for increased transit, walking or biking. Other benefits include:

- Greater cost effectiveness for transit-related expenditures - national studies have shown that development of projects like those encouraged under the TOD Program are 8 to 14 times more cost-effective than building additional light rail transit lines. The program is also cost-effective compared to conventional congestion mitigation measures, such as new LRT construction, freeway expansion and vanpools.
- Improved air quality and reduced auto traffic congestion by developing more “urban-scale” buildings with reduced parking ratios and ready access to transit. Studies indicate that, compared to typical suburban development, transit oriented development, can reduce traffic congestion and air pollution by up to 25 to 50 percent.
- Enhanced economic development – transit-oriented development attracts consumers, businesses and social services to areas surrounding LRT stations.
- Enhanced housing and transportation options - the program seeks to encourage mixed-use and mixed-income development next to transit.
- Enhanced livability - Metro’s regional growth management plan concentrates population and job growth within designated regional and town centers. The LRT system serves most centers, including downtown Portland, Gateway, Hillsboro, Beaverton and Gresham, and is anticipated to serve Milwaukie and Clackamas as well. Thus, Metro estimates that residents of a TOD project will be provided convenient and inexpensive access to most of the region’s major locations of jobs, services and trade centers.

## Program Customers

Metro’s TOD Program provides services to a variety of customers and partners that are internal and external to the agency including:

- Private developers
- Lending institutions
- Tenants/owners in TOD Projects
- Transit riders
- Public at large
- Metro Council
- TOD Steering Committee
- Local jurisdictions
- State agencies
- Federal Transit Admin.
- TriMet

The developer’s role in the partnership is to secure financing, and build, rent/sell and maintain the project. Each partner, private and public, expects to receive a return on investment. For the developer, the return is often the developer’s fee and net profits from managing the project. For the public agency, the return may be a lease or sale amount for the land or the implementation of public policy, such as new ridership, reduced traffic congestion and area redevelopment. For Metro, the return is vibrant mixed-use communities in designated centers and station communities, a concrete affirmation of its growth vision.

## PROGRAM RESULTS 1997-2007



Housing Units: 2514  
Affordable:  
758 @ 80%  
359 @ 60%  
15 @ 30%



Office: 783-737 sf



Retail: 438,436 s.f.



Relieves Pressure on the Urban  
Growth Boundary

TOD Projects = 80 acres  
If conventional  
Development = 587 ac.  
Acres saved = 507 ac.

## FY 2006-07

### PROJECTS COMPLETED

**The Crossings**  
Gresham Civic

**North Main Village**  
Milwaukie

**Pacific University**  
Hillsboro

**Burnside Rocket**  
Central Eastside, Portland

### CONSTRUCTION STARTED

**The NEXUS**  
Hillsboro

**The Beranger**  
Gresham Downtown

**The Watershed**  
Hillsdale

### DEVELOPERS SELECTED ON METRO SITES

**Milwaukie Town Center**

**Gresham Civic  
Neighborhood South**

**Gresham Civic  
Neighborhood North**

## Program Timeline

TOD Program milestones from the period of 1995 from before the program commenced through 2009 are shown in **Appendix A**. The timeline depicts both Program milestones (below timeline), which focus on policy proclamations and Metro Council enactments of operating enabling legislation and Project milestones (above timeline), which focus on the successful employment of new joint development tools, the acquisition of "opportunity sites," and the implementation milestones of major projects.

### Major Accomplishments This Year - FY 2006-07

- Construction was completed on The Crossings project, a five story mixed-use project located at the MAX station in Gresham's new civic neighborhood; the market rate apartments were well received, leased quickly and currently has a waiting list.
- Construction was completed on North Main Village, a mixed-use project including 64 affordable apartments, 33 market rate condominiums, storefront retail, and a rain garden, and the presence of new residents and businesses is adding vitality to historic downtown Milwaukie.
- Construction was completed on the Pacific University Health Professions Campus building located along the MAX line in Hillsboro. This 5 story, 104,000 square foot mixed-use building includes the Virginia Garcia Health Clinic and a café at the street level with four floors of classrooms above.
- Construction was completed on the Burnside Rocket, a four story mixed-use project located on East Burnside at 11th Avenue, and it has applied for LEED certification at the Platinum level.
- Construction started on the Nexus, 422-unit housing project with ground floor retail that creates a link between the original Orenco Station community on Cornell Road and the MAX light rail station a half of a mile south.
- Construction started on The Beranger, a four-story mixed-use project with market rate condominiums, a green roof, and street front retail located in downtown Gresham near its future performing arts center.
- Construction started on The Watershed, a four-story mixed-use project with affordable senior housing above retail located on a former brownfield in the Hillsdale town center in SW Portland.
- Completed development offering, selected a developer, and started predevelopment work on the Milwaukie Town Center Project.
- Completed development offering, selected developers, and started predevelopment work on the Gresham Civic Neighborhood mixed-use south of the station and mixed-use north of the station.

## Major Accomplishments This Year (continued)

- Acquired 1.90 acres NE of the Gresham Civic MAX Station in the Gresham Civic Neighborhood for the site of a future anchor tenant use such as a grocery store, small department store, or retail with office above.
- Demolished and decommissioned the former Olson Brothers' Texaco gas station on the Milwaukie Town Center site.
- Three entirely new projects were selected for funding through TOD easements: an affordable housing and mixed-use project - NE 82nd Avenue Place; an innovative mixed-use office and retail project – Burnside 6; and an infill mixed-use project in historic Gresham- NW Miller and 3rd.
- The Salvation Army Site project had been previously approved as a land acquisition; instead, it was privately acquired and approved for TOD easement funding as a mixed-use brewpub restaurant and condominium project.
- Russellville Commons III was approved as a mixed-use project with housing for active seniors and ground floor retail; the TOD Program committed to support this final development phase of Russellville Commons when the overall master plan was developed.
- As administrative housekeeping actions, five projects were slated for cancellation because they are no longer viable. In most cases, the developers who originally requested TOD Program support are no longer interested in redeveloping the sites (Candice Commons, Gresham; Metro Access, Washington County; and The Madison, Portland.) In another case, the project scope has changed (Beaverton Round Phase III.) In some cases, site control was never established and the interested developers are no longer actively pursuing the project (Denver/Kenton Loan, Portland; 162<sup>nd</sup> & E. Burnside, Portland; and Hollywood Trifecta, Portland)
- During this period, the Program selected 9 new developers who had not previously worked with the TOD/Centers Program.
- Projects were approved and construction initiated in six centers. Since its inception, the program has projects a total of ten centers throughout the region.
- Prepared study scope, issued RFP, and commissioned Johnson Gardner LLC to conduct empirical research on the pricing effects of Urban Living Infrastructure on mixed use residential development.
- The Get Centered! material on the “Relationship Between Parking and Density” prepared by TOD staff has been used by the University of Wisconsin and Claremont University in course work.
- Numerous academic institutions have interviewed the TOD Program the past year, including the University of Maryland, for an EPA study on TODS, University of Wisconsin, and others.

## FY 2006-07

### LAND ACQUIRED & SITES PREPARED

Gresham Civic Anchor  
Tenant

Milwaukie Town Center  
demolition &  
decommissioning

### PROJECTS APPROVED

NE 82ND Avenue Place  
Portland

Burnside 6  
Central Eastside, Portland

NW Miller & 3<sup>rd</sup>  
Gresham Historic Downtown

Salvation Army Site  
Gresham Historic Downtown

Russellville Commons III  
Gateway Regional Center,  
Portland

### STUDIES

Urban Living  
Infrastructure  
Johnson Gardner

The Merrick Travel  
Behavior Survey  
PSU



*The private market will not build high density and mixed-use projects in most centers unless it is economically feasible to build “up” rather than to build “out.”*



**Gresham Civic Southwest**



**Westgate Theater Demolition**

## Issues and Challenges

Over the past few years, there has been a palpable increase in public enthusiasm and market momentum for development of compact, mixed-use centers. Market demand for smaller, higher density residential units has been demonstrated in a growing number of suburban centers including Gresham, Milwaukie, Lake Oswego, and Hillsboro, as well as on urban main streets such as Alberta, Belmont, and Hawthorne Boulevard. However, the private market will not build high density and mixed-use projects in most centers unless it is economically feasible to build “up” rather than to build “out.” Mid-rise housing development will require achievable sales pricing in the range of \$300 to \$350 per square foot for condominiums, increasing to \$400 to \$450 per square foot for high-rise construction. The construction cost gap has widened between wood frame over concrete vs. a reinforced all concrete building. The result is attempting projects more than five stories in most suburban centers will be more difficult. Achievable pricing for parking would need to be in the range of \$20,000 to \$40,000 per space if sold, or \$200 per month if leased to support structured parking.

The regional for-sale housing market cooled in 2006–07, increasing developers’ carrying costs and decreasing sales revenues. With construction costs continuing to rise at an alarming rate, mixed-use projects have been even more financially challenging. Increased public investment may be needed in order to make projects feasible. In the region more developers turned to constructing market rate rental housing and away from condominium housing. TOD/Centers projects typically have many other sources of funding, but State funding limitations are decreasing project investment from sources such as the Community Incentive Fund (CIF). The recent instability of the secondary mortgage markets has raised the most recent danger signs. If rates increase substantially, many potential buyers simply will not be able to secure a loan.

Despite the decrease in the pace of condominium sales, many suburban centers seem to be poised for possible mixed-use projects with the proper public investment. The timing is right to take the TOD and Centers Implementation Program to the next level: developers and local leaders are becoming more enthusiastic and the technical challenges of mixed-use development are becoming more broadly understood. It is important to build on this energy, and to ensure the momentum continues even as the market conditions become less favorable. Program expansion would help strengthen local real estate markets to the point where higher density condos will become financially feasible in some centers without further public investment. Other projects for mixed-use or higher density market rate rentals and affordable ownership units may still require public financing in those markets. Public financing will continue to be necessary to support a healthy blend of rental and ownership housing. The public is a critical partner and needs to increase its investment in higher density mixed-use development and the supporting amenities and services within walking distance of housing.

## Objectives for Next Year

### [Per Metro Budget for 2007-08]

- Assist 1-3 local communities to attract/enhance a farmers' market or grocery store, locally owned restaurants, theater, theater restaurant, and/or a local arts initiative in order to catalyze main street development, bolster local entrepreneurial activity, and help create a place for higher density housing.
- Identify and pursue strategies for creating an increased, long-term revenue stream to support development of the TOD & Centers Implementation Program and be less reliant and more flexible than Metropolitan Transportation Improvement Program (MTIP) funding.
- Collaborate more extensively with select local communities (Gresham, Milwaukie, Beaverton, and Hillsboro) by providing a broader range of services and development tools in order to build communities, not just individual projects.
- Complete construction on the Nexus mixed-use project located on Cornell Road between Orenco Station and the MAX station.
- Attempt to secure an important project at the Orenco MAX Station to better connect Orenco Village and all of the development near Cornell Road to the MAX station.
- Complete construction on The Beranger in downtown Gresham.
- Complete construction on The Watershed in the Hillsdale town center.
- Complete predevelopment work on the four projects in the Gresham Civic Neighborhood, including a station building, new plaza, and mixed-use development.
- Complete predevelopment work on the Milwaukie Town Center Project.
- Complete predevelopment work on the Hillsboro Central project in downtown Hillsboro.
- Select a developer and start predevelopment work on the Westgate Regal Cinema site project in Beaverton.



Westgate Site



The Beranger



Developer Kevin Cavanaugh,  
Metro Councilors,  
TOD Steering Committee and  
Staff

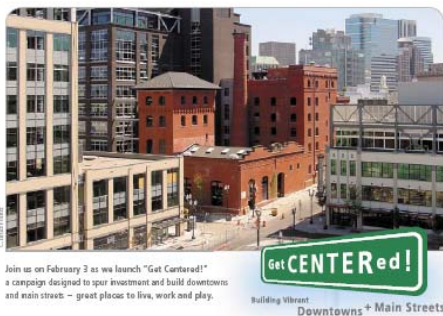
**Design Phases of The Crossings**



**Metro President Bragdon & Councilor Liberty Tour "The Rocket"**



**2040 Growth Concept**



**Get Centered!**

## Program Funding

The primary source of funding for the TOD Program is from federal funds distributed every two years through the Metropolitan Transportation Improvement Program (MTIP). The funds fall under the Regional Flexible Funds category along with bike trails, transit, and other projects. MTIP funding is exchanged with TriMet local funds in order to facilitate timely expenditure in a manner conducive to public/private partnership projects. Other funding sources to date have included CMAQ funds, direct FTA funds and earmarks, local government funds and interest earned. These local funds have included Metro general funds, local general funds, urban renewal funds, system development charge revenues, land sale proceeds, and Business Energy Tax Credits.

## Relation to New Look

The New Look effort was launched as part of the Long Range Planning Division's efforts to evaluate progress on 2040 goals including the performance of designated centers throughout the region. Through discussions with the TOD Steering Committee, Metro Council, and Long Range Planning and TOD Program staff, it was determined that the TOD Program could enhance performance of 2040 centers by focusing more resources in fewer areas. This "focus centers" approach will: use a strategy of repeated investment to achieve "lift-off;" include more integrated planning department role with participation from both TOD/Centers Program staff and New Look staff in Long Range Planning; involve an integrated approach to attempting to lift barriers to centers development; and will help local governments build the capacity to carry program objectives forward. The end result is hoped to be development of some centers to a higher level and also development of more reliable local government resources to continue the effort.

## Areas of Operation

TOD projects are eligible within a ¼ mile of the light rail, streetcar or commuter rail station and within 800 feet of a frequent bus stop. Projects in the urban centers are eligible if located within any of the seven designated regional centers, 30 town centers, and the Portland City Center.

## Future Opportunities

During the last Metro Council review, a panel of development experts suggested that program funding needed to be increased to total \$5 - \$10 million per year and be sustained for ten years in order to catalyze the real estate markets in centers to reach self-sustaining levels of reinvestment. In the past MTIP cycle, the combined TOD/Centers funding was increased to \$2.5 million per year. The Program needs to increase, diversify and stabilize its funding, while utilizing program resources in the most effective manner possible.

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## Future Opportunities [continued]

In the coming year, staff will seek authorization from the TOD Steering Committee and Metro Council to test two new program approaches to further improve program effectiveness. The first is to designate "Focus Centers" where there will be repeated investments in order to help create a visible sense of market momentum, and attract other investments. A broader set of implementation support services and strategies would be provided in Focus Centers by collaborating with other Metro programs, including New Look and Nature in Neighborhoods.

The second new approach will be to implement an "Urban Living Infrastructure" program in order to improve the economic feasibility of mixed use development in Focus Centers. A recent Metro-commissioned study by Johnson Gardner, a leading Northwest real estate and land use economics consulting firm, provides new empirical evidence about the positive effects of urban living infrastructure (such as specialty grocers, cinemas, bookstores, cafes) on housing prices. Having urban living infrastructure within walking distance adds value to the residential experience, which in turn raises the value of residences. Improving urban living infrastructure in a center benefits the broader neighborhood as a whole by raising achievable pricing for housing within walking distance of the center. Using pro-forma analysis, Johnson Gardner demonstrated that having urban living infrastructure in place could change the market conditions of a center so that mid-rise buildings become economically feasible where they were not before. Metro's new evidence-based strategy of investing in the urban living infrastructure would begin as a pilot program, funded with \$600,000 of interest earned on TOD funds since the program inception.

The combination of investing in urban living infrastructure and increasing the number of people living in a center is economically self-reinforcing, and improves the financial viability of future compact, mixed use projects. Improving the urban living infrastructure helps to close the financial gap in projects by increasing the rents or sales revenues. Constructing additional residential units increases the customer base for specialty grocers, restaurants, cafes, and other local urban living infrastructure businesses. The Program will continue to fund compact, mixed use projects so people can live and work closer to transit, in walkable urban centers. Metro's purchase of a TOD easement or land value write down helps to close the financial gap in projects by reducing net construction costs.

Other areas that have been discussed for broader Metro funding for Centers include a fund for amenities infrastructure (plaza, woonerfs, and streetscape), conventional infrastructure (pavement and pipes) and a creation of a developer equity loan fund. The TOD Program is also interested in being certain that there is a Metro sponsored program for funding affordable housing in TODs and Centers, whether or not this specific program is administered by the TOD/Centers Program. The Program will also examine the future make up and the role of the TOD Steering Committee in 2040 implementation.



Lake Oswego Farmers' Market



Northwest 23<sup>rd</sup> Avenue Placita



North Main Village Raingarden



**North Main Village**



**Buckman Terrace**



**Milwaukie Town Center Demolition**

## PROGRAM STATISTICS

### Completed Projects

As shown in Table 1, eleven projects have been completed to date with the assistance of the TOD program. Of those one was initiated by Metro with a land purchase and the remaining ten included Metro's acquisition of TOD/Centers easements. Projects have ranged from mixed-use housing and commercial to office and restaurant uses. A project summary list is provided in Appendix B, which includes completed and active projects.

**Table 1. Completed Projects**

Project Name	TOD Project Funding
Buckman Terrace	100,000
Center Commons	* 1,108,157
Central Point	60,000
GCN SE - The Crossings I	** 876,317
Milwaukie North Main Village	560,528
N. Flint Infill	30,851
Pacific University	200,000
Russellville Commons I & II	325,000
The Merrick	200,000
The Rocket	275,000
Villa Capri	42,000
<b>Total</b>	<b>\$ 3,777,853</b>

\* Center Commons net project cost was \$322,157; \$776,000 was received from land sale proceeds.

\*\*Metro also contributed \$450,000 in land value to The Crossings. The net capital cost of the project is \$1,076,317 after deducting the estimated \$250,000 value of a buildable residual parcel retained in Metro ownership.

### Active Projects

The TOD Steering Committee has authorized \$2.85 million in funding in support of projects that have yet to be completed but are either in the design/development stage or under construction. These projects are listed in Table 2.



**Table 2. Active Projects – Easements**

<b>Project Name</b>	<b>Location</b>	<b>Status</b>	<b>TOD Funds Spent/ Allocated</b>
82nd Avenue Place	Portland	design development	\$ 225,000
Burnside 6	Portland	design development	50,000
Killingsworth Station	Portland	design development	250,000
NW Miller & 3rd	Gresham	design development	345,000
Salvation Army Site	Gresham	design development	265,000
Metro Air Rights Study	Portland	inactive	28,000
Nexus	Hillsboro	under construction	301,475
Russellville Commons III	Gateway-Portland	under construction	175,000
The Beranger - loan	Gresham	under construction	300,000
The Beranger - grant	Gresham	under construction	285,335
The Round	Beaverton	under construction	200,000
The Watershed	Hillsdale	under construction	<u>230,275</u>
		<b>Total</b>	<b>\$2,855,085</b>

Table 3 presents a list of Metro initiated projects where Metro has purchased sites and/or is a joint landholder with the local jurisdiction. The level of TOD Program financial participation has not yet been determined for these future development projects.

**Table 3. Active Projects – Metro sites**

<b>Project Name</b>	<b>Location</b>	<b>Status</b>	<b>Land Costs</b>
GCN Civic Anchor Tenant	Gresham	Design development	\$ 592,500
GCN NW Parcel	Gresham	Design development	2,235,068
GCN Civic SW Parcel	Gresham	Design development	1,435,183
GCN – The Crossings Phase II	Gresham	Design development	250,000
Milwaukie Town Center	Milwaukie	Design development	812,000
Westgate Site	Beaverton	Developer selection	2,000,917
Wells Fargo Site	Hillsboro	RFP/Q Development	<u>656,630</u>
		<b>Total</b>	<b>\$ 7,982,298</b>

In addition to the projects listed above, Metro is actively involved in the design and development of the Gresham Civic Transit Station (\$2 million.)



**The Rocket**



**Central Point**



**Metro Councilor Carl Hosticka at the Westgate Acquisition**

## Program Expenditures

The TOD Program is expected to have expended \$17,344,541 in support of transit-oriented development and Centers projects from inception through June 2007. As shown in Figure 1, of those funds expended, \$7,952,798 has been on land acquisition for key sites and the remaining \$5,199,320 was spent on easements on projects initiated by other partners (private, public, non-profit). In addition \$4,192,423 has been spent on operating costs including consultants, project soft costs, and Metro overhead charges. Operating costs have increased over time as more projects have been authorized and as program activities have shifted from land acquisition to property disposition, which has higher demands on staff time due to coordination and involvement with local jurisdictions and community members. In addition, technical assistance and advocacy work, such as Get Centered! has increased as the program has grown over time.

**Figure 1. Program Expenditures**

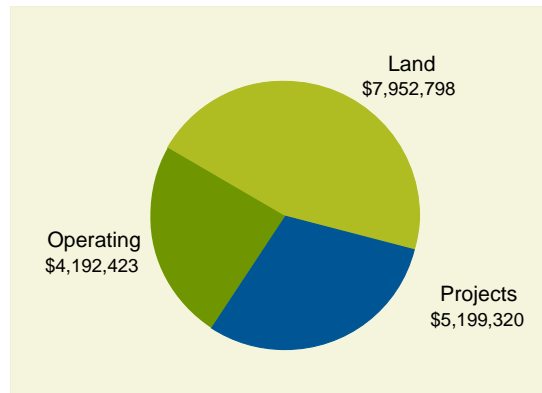
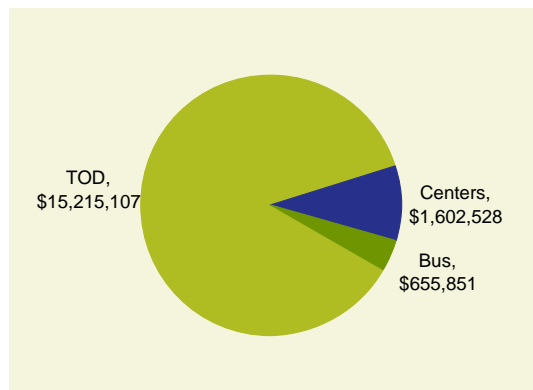


Figure 2, below, shows the total funds of \$17,473,486 have been spent to date or allocated to approved projects for expenditure through FY09; program operating costs are not included. The three categories of eligible program activity are: transit oriented development (TOD), frequent bus (Bus), and 2040 plan designated regional or town centers (Centers). Frequent bus and Centers were added to the TOD Program Work Plan in 2005.

**Figure 2. Expenditures by Program Activity**



The TOD Steering Committee and Metro Council have authorized funding for a number of projects which were later cancelled, terminated or did not come to fruition for a variety of reasons. These projects reflect the effort of the program to fund transit oriented development throughout the Metro region. Program staff are in the process of officially terminating funding for these projects through TOD Steering Committee action.

Program land acquisition investments have been distributed across the region in the cities of Beaverton, Gresham, Hillsboro and Milwaukie. A total of over \$8.4 million has been expended to purchase 21.7 acres, at an average cost of \$8.80 per square foot. These land values reflect the fact that higher density mixed-use projects are not yet economically feasible without public partnerships (the rule of thumb in land economics is that developers will build on parking and other uses when land value exceeds the cost of constructing a platform. In the Portland region, this is currently at \$50.00 to \$65.00 a square foot). The significant amount of land acquisition costs in Gresham are due to the Gresham Civic Neighborhood acquisitions of 4 key properties: The Crossings (completed), Northwest Parcel, Southwest Parcel, and the Anchor Tenant parcel. Gresham Civic Neighborhood presented a unique opportunity for the TOD Program to develop a complete mixed-use community adjacent to a transit stop because two factors converged: 1) availability of nearly 100 acres of vacant land on both sides of the future transit station, and 2) availability of funds (\$2,250,000 being reallocated from a previous funding commitment for The Beaverton Round to prevent the project from going into bankruptcy, and \$1,315,000 from the City of Gresham reallocated from other Gresham controlled projects). As a result, the land acquisition costs are out of proportion to other communities. Figure 3 below shows land acquisition costs by jurisdiction.

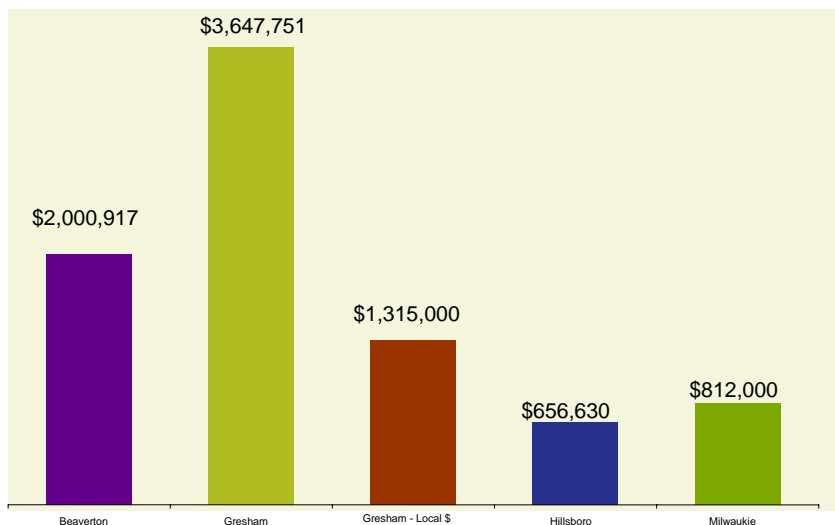


The Crossings



The Rocket  
Chesterfield Tour

Figure 3. Land Acquisition Costs by Jurisdiction



Councilor Burkholder at 82<sup>nd</sup>  
Avenue Place Groundbreaking



**Councilor Newman  
North Main Village  
Grand Opening**



**The Nexus**



**North Main Partners  
Concept Sketch**

Figure 4 below presents cumulative funding by jurisdiction for all approved projects (figures are in addition to land acquisition costs.) The funding totals include funds already spent and the balance of funds allocated for each project by the TOD Steering Committee.

**Figure 4. Development Project Funding by Jurisdiction**

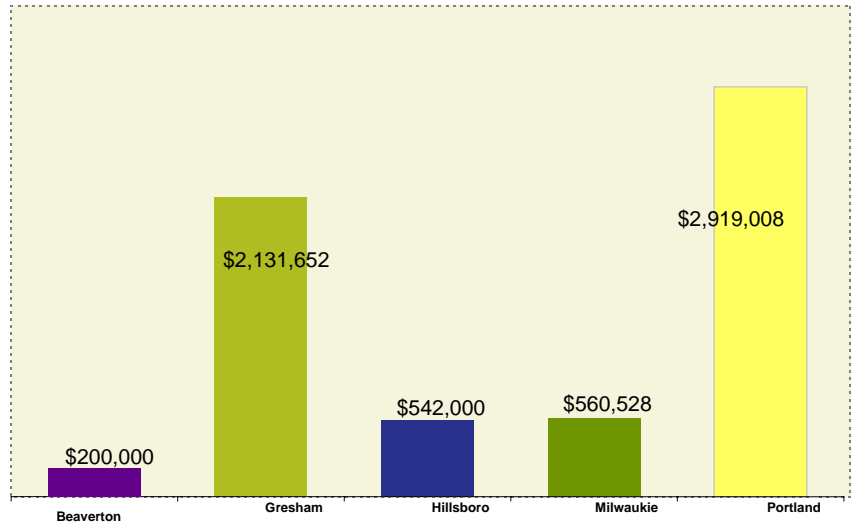


Table 4 below lists all funded projects, status, jurisdiction, developer, and the allocated funds. **Appendix B** includes a more detailed summary for each project and **Appendix C** shows a map of the program eligible areas and project locations.

**Table 4. Development Projects Funded**

Project Name	Status	Jurisdiction	Developer Selected	Spent/ Approved
Beaverton Round Phase I, II, III	Active	Beaverton	Dorn Platz	200,000
Westgate Site	Active	Beaverton	-- to be determined --	*
Central Point	Complete	Gresham	Peak Development	60,000
Gresham Civic Anchor Tenant	Active	Gresham	CenterCal	**
Gresham Civic NW Parcel	Active	Gresham	CenterCal	**
The Crossings	Complete	Gresham	Peak Development	***876,317
Gresham Civic SW Parcel	Active	Gresham	Rossman	**
NW Miller & 3rd	Active	Gresham	Tokola Properties	345,000
Salvation Army Site	Active	Gresham	400 Roberts Place LLC	265,000
he Beranger - loan	Active	Gresham	Rossman	300,000*
The Beranger – grant	Active	Gresham	Rossman	285,335
Nexus	Active	Hillsboro	Simpson Housing	300,000
Pacific University	Complete	Hillsboro	Pacific University	200,000
Villa Capri West	Complete	Hillsboro	Tualatin Valley Housing	42,000
Milwaukie North Main Village	Complete	Milwaukie	KemperCo	560,528
Milwaukie Town Center	Active	Milwaukie	Main Street Partners	**
82nd Avenue Place	Active	Portland	Innovative Housing Inc.	225,000
Buckman Terrace	Complete	Portland	Prendergast McNamara)	100,000
Burnside 6	Active	Portland	Marrs & Faherty	250,000
Center Commons	Complete	Portland	Lenar Affordable Hsng	
N. Flint Infill	Complete	Portland	Jerry Nordquist	30,851
Russellville Commons I & II	Complete	Portland	Rembold Properties	325,000
Russellville Commons III	Active	Portland	Rembold Properties	175,000
The Merrick	Complete	Portland	Trammel Crow	200,000
The Rocket	Complete	Portland	Kevin Cavenaugh	275,000
The Watershed	Active	Portland	Community Partners for Affordable Housing	<u>230,000</u>
			Total	\$6,353,188

\* Metro invested \$2.0m in land acquisition costs at Westgate and may reduce the land sale price to the developer in order to achieve specific public benefits that are not currently supported by the market.

\*\* Developers have been selected for these projects on Metro TOD property, but the level of TOD project funding has not yet been determined.

\*\*\* Metro also contributed \$450,000 in land value to The Crossings. The net capital cost of the project is \$1,064,567 and \$216,750 of BETC tax credit revenue after deducting the estimated \$250,000 value of a buildable residual parcel retained in Metro ownership.

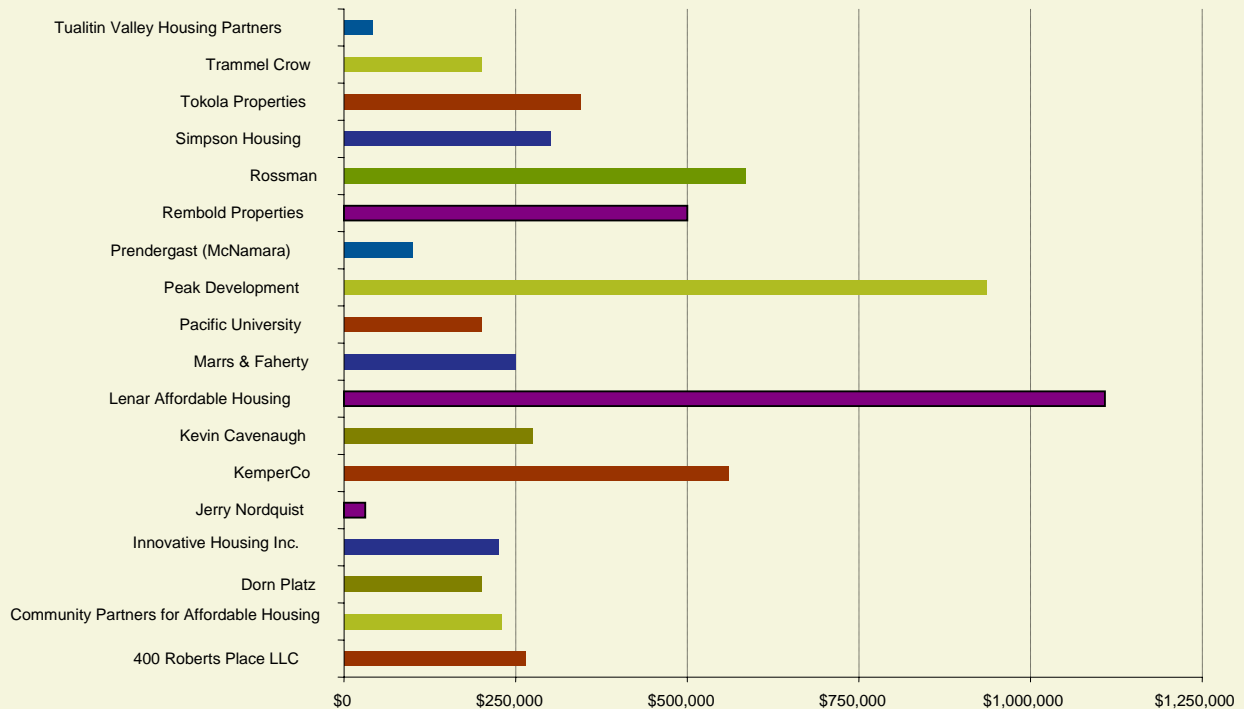
\*\*\*\* Center Commons net project cost was \$322,157; \$776,000 was received from land sale proceeds.



**Metro Councilor Rod Park  
at The Beranger**

The TOD Program is also actively engaged in the planning, design, and development of the Gresham Civic Transit Station located in the heart of Civic Neighborhood. TOD Program staff, TriMet, the City of Gresham, and private development partners are working together to ensure that the station and adjacent development are developed in a coordinated manner that maximizes the unique opportunity presented by the station location. The station project has allocated funds totaling \$2,000,000. Figure 6 below shows TOD Program funds spent or allocated by development entity. Note that many developers create separate LLC's for each individual project to protect existing projects and/or assets and may also have different partners in the separate corporations. TOD program staff are currently negotiating with the developers of Gresham Civic (CenterCal and Rossman Development), which are not represented in Figure 5 as development agreements have not been finalized nor have project funding commitments been approved.

**Figure 5. TOD Program Funding Development Entity**



**Notes:**

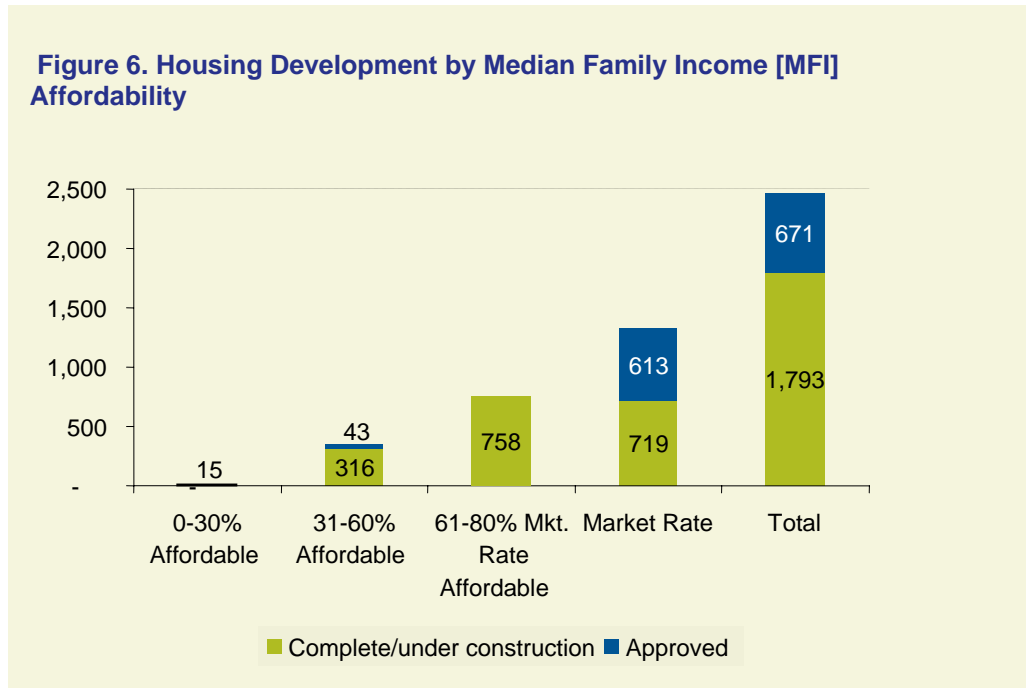
- 1) The managing principle in KemperCo was previously the project manager for Lenar Affordable Housing.
- 2) Peak Development total includes two projects: Central Point and The Crossings. Rossman is principle in Peak Development and the sole managing developer in Rossman Development Corp.

## Program Results

Program results are highlighted in Table 5 for projects already completed or now under construction, for approved projects, and for total anticipated program results.

Table 5 Program Results	Completed or under construction	Approved projects	Totals
<b><u>Housing Units</u></b>			
Affordable - 30%	0	15	15
Affordable - 60%	316	43	359
Market Rate Affordable - 80%	758	-	758
Market Rate	719	663	1,382
Total	1,793	721	2,514
<b><u>Commercial</u></b>			
Office SF	560,537	223,200	783,737
Retail SF	193,700	244,736	438,436
Total	754,237	467,936	1,222,173
<b><u>Induced Riders Per Day</u></b>	2,317	822	3,139

Figure 6 below presents the total number of housing units completed broken down by market and affordability levels.





**Metro Councilors Liberty and Newman at North Main Village**



**Metro Councilor Katherine Harrington at Pacific University, Hillsboro**



**Former Councilor Susan McLain at the Nexus Ground Breaking**

## PROGRAM ADMINISTRATION

### Staff

The TOD program currently has authorized five full time staff positions including a Program Manager, Assistant Manager, Senior Development Project Manager and two Associate Development Project Managers.

### Governance

The TOD steering committee is responsible for approving projects within criteria established by the Metro Council. Members of the steering committee include representatives of the Governor's Office (chair), Department of Environmental Quality, Oregon Department of Energy, Department of Land Conservation and Development, Oregon Housing and Community Services Department, Tri-Met, Metro Council, Oregon Department of Transportation, Oregon Economic Development Department, and Portland Development Commission. Once the Steering Committee takes action on a project a 7-day notice is sent to the Metro Council. The Council has the option to reconsider the Steering Committee action within 7 days. The current steering committee membership is listed below:

- Mark Ellsworth – Chair Governor's office
- Robert Liberty- Metro Council
- Tamira Clark -Oregon Department of Transportation
- Meg Fernekees - Dept. of Land Conservation & Development
- Vince Chiotti - Oregon Housing & Community Services
- Dave Kunz - Oregon Department of Environmental Quality
- Vacant - Oregon Economic Development Department
- Jillian Detweiler - Tri-Met
- Cheryl Twete/Byron Estes - PDC

### TOD Work Plan and Funding Mechanisms

The work plan describes the operating parameters for the various program elements, project selection criteria, program operation and other program activities and details. The Work Plan was adopted March 1998 to authorize the creation of the program and subsequently revised four times to expand and refine program activities.

The TOD program utilizes three main strategies to incent and facilitate transit-oriented development projects: 1) buying land to develop future transit oriented projects, and 2) purchasing transit-oriented development easements on projects requesting funding, 3) provision of site improvements (plaza, etc.) When the program jointly purchases land with a local jurisdiction, such as Hillsboro, Beaverton and Milwaukie, a partnership is created to undertake an RFP or RFQ process to select a developer for the site. Both methods use the increase in projected transit ridership which results in a capitalized farebox revenue figure and the anticipated cost premiums associated with higher density mixed-use projects to determine the level of program funding for each project.



Additionally activities include the following:

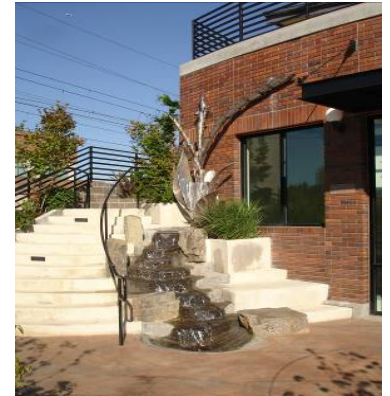
- A small Green Building Program (utilizing Business Energy Tax Credits) supports green building elements such as green roofs, innovative storm water features, and other sustainable elements.
- Education, Advocacy and Technical Assistance to local jurisdictions throughout the region. By providing expertise on a variety of topics such as parking and downtown revitalization these activities are directly related to centers development and strengthen Metro and the TOD Program's partnerships in the region.
- Small Projects and Loans, and Unsolicited proposals. These three mechanisms are used to increase the agility of the program and have been used to form strong public private partnerships when land acquisition or TOD Easements are not feasible or practical.

### Cost-Effectiveness Analyses

The TOD Program evaluates the cost effectiveness of proposed project funding prior to recommending approval to the TOD Steering Committee or Metro Council. Each proposed project is compared to a base case development scenario that reflects what current market conditions would support, without public participation.

The ability of the project to create an environment where people choose to ride transit, walk or bike more often, and to drive less, is of primary concern in evaluating proposed projects. Empirical research shows that people make different travel mode choices depending upon the mix of building uses, proximity to good transit, and the urban form of an area. For example, Metro Travel Behavior Study found that the percentage of trips made by transit was more than ten times higher (11.5%) in areas with mixed-use urban form and good transit, compared to others areas in the region (1.2%). National research data on the number of trips associated with different building uses [referred to as trip generation data] is combined with the regional data on travel mode splits by urban form to calculate the "induced ridership" that would result from construction of the proposed TOD project, compared to the base case scenario.

"Cost per induced rider" is routinely modeled to provide a normalized basis for evaluating the cost-effectiveness of the proposed project, and comparing it to other investment alternatives. The direct TOD project funding amount (the capital cost) and a 15% allowance for TOD soft costs (the operating cost) are included; an annual cost is calculated using FTA's standard of a 30 year expected life for building structures. The annualized cost divided by the number of induced transit riders per year determines the "cost per induced rider." The TOD Program's costs per induced rider compares extremely well with other transportation investment strategies.



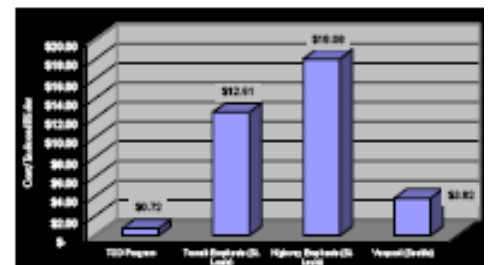
The Crossings Rain Garden



North Main Village Rain Garden



The Beranger Eco-roof



TOD Cost per Induced Rider Lower Than Alternative Investments



**North Main Village  
Rain Garden Waterflower**

The additional farebox revenue that result from induced ridership over the 30-year expected life of the project provides a monetary measure of TOD project benefits. Recommended project funding does not generally exceed the net present value of future farebox revenues, which means that TOD projects funds invested are generally earned-back by the transit system in less than the first 30 years of operations.

The Program analyzes the additional costs (cost premiums) associated with each specific proposed project, compared to the base case project. The construction methods required for mixed-use buildings are more expensive than single use buildings. Cost premiums may include: fire wall separations between commercial and residential uses; underground, structured, or tuck-under parking; fire stairs; sprinkler systems; moment frames; elevators; extraordinary foundation work; and associated design and engineering work. Program staff work determine the dollar value of each cost premium in a proposed project, and the cost premium total becomes another benchmark against which project funding levels are evaluated. Recommended project funding does not generally exceed the total value of cost premiums.



**Gresham Civic Neighborhood Proposal, Southwest Parcel**

# TOD Program & Project Milestones: 1995-2009

Project Milestones

March 98: Hillsboro Central "opportunity site" purchased. First time in nation FTA funds are used to acquire land specifically for joint development project.

Jan. 99: Center Commons Site purchased from PDC and sold to developer for \$250,000 land value write-down. First joint development land value write-down approved by FTA.

Summer 2000: First TOD Easement used at Buckman Terrace.

Jan. 01: Gresham Civic SE acquired.

July 01: Gresham Civic SW acquired.

Nov. 01: Gresham Civic NW acquired.

Summer 04: North Main Village in Milwaukie selected as first "urban centers" project.

Mar 05: Milwaukie Town Center (Texaco site) acquired by Centers Program.

April 06: Civic NE site acquired.

May 06: The Crossings opens.

Fall 06: Westgate site acquired by Metro and City of Beaverton.

Sept. 06: CenterCal confirmed as Civic Neighborhood developer.

Jan. 07: KemperCo. opens North Main Village.

May 07: KemperCo. selected as Milwaukie Town Center Developer.

Sept. 09: Gresham Civic Station to open.

1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
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Sept 05: Work Plan amended to allow "unsolicited proposals".

July 04: Work Plan amended to add the "Urban Centers," "loan" and "green building" categories.

Feb. 00: Work Plan amended to create a "site improvements funding" category.

March 98: Metro Council passes start-up resolution 98-2619 adopting a Work Plan, establishing the TOD Steering Committee, and releasing an RFP to solicit projects.

March 98: FTA approves NEPA findings.

Feb. 98: FTA approves \$3.0 million grant to capitalize the TOD Program.

March 97: FTA issues Joint Development regulations.

Metro applies to FTA for authorization to use capital funds for joint development.

Metro Transportation Department applies for funds from "Implementing the 2040 Concept" MTIP solicitation.

Program Milestones

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## Appendix B

<b>COMPLETED PROJECTS</b>	<b>2</b>
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## COMPLETED PROJECTS

### Buckman Terrace Apartments



The developer was planning to build 16 row houses on this site. With a TOD funding commitment, the developer changed the plan to 122 units of housing and a ground floor restaurant on that same parcel. This was developed in an area of car lots and a mattress sales business. The developer is also a first time developer to the TOD Program.

**Project location:**

NE 16th Ave. & NE Sandy Blvd., Portland

**Developer:**

Pendergast & Associates/Ed McNamara

**Architects:**

Hennebery Eddy Architects

**Project size:**

0.83 acres

**Mixed uses:**

Mixed-use building: 122 market rate affordable apartments, 2,000 SF class A retail, structured parking very low (6.5) parking ratio \$ 7.2 million

**Total project costs:**

\$100,000

**TOD Program funding:**

Completed 2000

**Project status:**

### Center Commons



This was the first project in the United States funded with FTA funds where the property was bought and sold in the same escrow to achieve a land value write-down. It won a National AIA HUD Award for mixed-use and was featured in, "Urban Land" magazine for its sustainable "woonerf" or plaza.

**Project location:**

NE 60th Ave. & NE Glisan St., at the MAX station, Portland

**Developer:**

Lennar Affordable Housing/Thomas Kemper

**Architects:**

Vallaster and Corl Architects; Otak Architects

**Project size:**

3.78 Acres

**Mixed uses:**

Mixed-use, mix-income project: 172 senior apartments, 60 affordable family apartments, 56 market rate apartments, 26 for sale row houses, 1,500 sq. ft. class A retail, child care center

**Total project costs:**

\$30.4 m

**TOD Program funding:**

\$1,108,157 total cost less \$776,000 in land sale proceeds resulted in a \$332,157 net cost

**Project status:**

Completed 2000

---

## COMPLETED PROJECTS [continued]

### Central Point



These 22 units were developed on a typical suburban single family lot size of 1/4 acre. Central Point has the highest density, (82 units per acre) and the lowest parking ratio (.8 to 1) in Gresham. It achieved the highest rents in Gresham when it opened and won the Governor's Livability award for design excellence. We often use this project to demonstrate to a community that is all about design and not density.

**Project location:**

302 NE Roberts St., Gresham

**Developer**

Peak Development

**Architects:**

Myhre Group Architects

**Project size:**

0.28 acres

**Mixed uses:**

Mixed-use building: 22 market rate workforce apartments, 3,000 SF class A retail, tuck-under parking

**Total project costs:**

\$2.3 m

**TOD Program funding:**

\$60,000

**Project status:**

Completed 2004

### The Crossings



This is the first larger scale, mixed-use project in Gresham. At 75 feet in height, this is the tallest building in Gresham, it is designed to appear as a series of separate buildings. It has the first underground parking for a private development in Gresham and was featured in the BBC "World's Best Public Services Program," in August of 2006. The apartments are 100% leased and have a waiting list. It demonstrates that there is a pent up demand for denser "loft style" rental housing in suburban markets.

**Project location:**

NW Civic Drive, south of the MAX track, Gresham

**Developer:**

Peak Development

**Architects:**

Myhre Group Architects

**Project size:**

1.5 acres

**Mixed uses:**

Mixed-use building: 81 market rate and workforce apartments, 20,000 SF class A retail, underground structured parking

**Total project costs:**

\$ 14.2 m

**TOD Program funding:**

\$876,317. The net capital cost of the project is \$ 1,109,567 including \$750,000 land cost net of the estimated \$250,000 value of a buildable residual parcel retained in Metro ownership, and \$216,750 in anticipated Building Energy Tax Credit revenues.

**Project status:**

Completed 2006

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**COMPLETED PROJECTS** [continued]

**North Main Village**



North Main Village was the first mixed-use, mixed-income project in downtown Milwaukie. It was also the first project funded from the Urban Centers Program, which was established by the Metro Council approval in 2004.

**Project location:** 10554 SE Main Street. Milwaukie  
**Developer:** KemperCo  
**Architects:** Myhre Group Architects  
**Project size:** 1.90 acres  
**Mixed uses:** Mixed-use development: 64 affordable apartments; 33 market condominiums, flats and townhomes; and 8,000 SF retail.

**Total project costs:** \$ 14.0m  
**TOD Program funding:** \$555,000 long-term low interest loan  
**Project status:** Completed 2006

**North Flint**



North Flint demonstrated Metro's agility and low program overhead by working with a small developer on a small project.

**Project location:** 2124 N. Flint Avenue, near frequent bus stop, Portland  
**Developer:** Jerry Norquist  
**Project size:** 0.11 acres  
**Architects:** Sum Design Studio  
**Mixed uses:** Mixed-use building: 2,800 SF office for Cycle Oregon  
1,236 s.f. of warehouse; 5 residential units ; no parking

**Total project costs:** \$ 0.82 m  
**TOD Program funding:** \$30,851  
**Project status:** Completed 2006

---

**COMPLETED PROJECTS** [continued]

**Pacific University**



The Pacific University project is distinguished by: creating an urban scaled campus next to transit in historic downtown Hillsboro; class rooms above ground floor retail and services; and extensive education and incentive program for students and faculty to use MAX. This project has the lowest cost per induced transit ride of any TOD/Centers project in the entire system.

**Project location:**

222 SE 8<sup>th</sup> Avenue, on MAX , Hillsboro

**Developer:**

Pacific University / Gerding Edlen Development

**Project size:**

0.88 acres

**Mixed uses:**

Five-story vertically mixed-use building including class rooms, health and physical therapy clinics, and ground floor retail open to the general public.

**Total project costs:**

\$ 30.0m

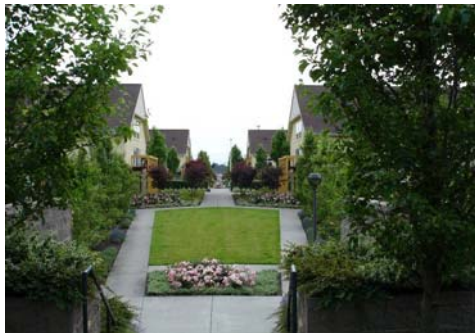
**TOD Program funding:**

\$200,000

**Project status:**

completed 2007

**Russellville Commons I & II**



Russellville Commons is the largest scale housing transit-oriented development built by single developer on the entire 42 miles of MAX. It was also the first higher density housing in the Gateway Regional Center, with 437 units. There is also a central green commons that connects the entire project to the MAX light rail station.

**Project location:**

SE 102nd Ave. & E. Burnside St., at the MAX station, Portland

**Developer:**

Rembold Properties

**Architects:**

MCM Architects

**Project size:**

10.1 acres

**Mixed uses:**

Multi-phase mixed-use development: 283 market rate rental apartments with tuck under parking in phase I; and 154 senior independent living units in a 5 story building in phase II, organized around a central green that connects to the transit station.

**Total project costs:**

\$ 60.0 m

**TOD Program funding:**

\$325,000

**Project status:**

Completed 2002



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## COMPLETED PROJECTS [continued]

### The Merrick



The Merrick is the highest density housing project in the TOD Program: 198 units per acre. Two separate developers were used in partnership: CE John, a prolific commercial developer who often develops one to two story commercial; and Trammell Crowe, a successful housing developer. Use of light gauge steel for the structure resulted in very low "hard" construction costs (less than \$80.00 per square foot). A Portland State University study of resident's travel behavior found a nearly half (47%) of all trips were made by transit, walking, or biking, leaving only 53% by auto.

**Project location:**

1239 NE MLK Blvd. , near Convention Center MAX station, Portland

**Developer**

CE John/Trammell Crowe

**Architects:**

Robert Leeb Architects

**Project size:**

0.9 acres

**Mixed uses:**

Mixed-use building: six-story apartment above 15,000 SF ground floor retail; 185 condominiums; 206 structured parking spaces

**Total project costs:**

\$ 24.0 m

**TOD Program funding:**

\$200,000

**Project status:**

Completed 2005

### The Rocket



The Rocket is a major catalyst project appealing to "edgy tenants" in an area of disinvestment; first new office outside downtown core to be built with no parking. It is also the first LEEDs Platinum building in TOD/Centers Program. The project was 100% leased before completion because of edgy design and developer's savvy. It was the first TOD to use frequent bus criteria adopted by the Metro Council in 2004. It is also the first building to be built over Portland public sidewalk right of way in decades. Additionally, the Rocket includes sliding art panels (made by local artists) as window shutters.

**Project location:**

E. Burnside St. at NE 12th Ave., Portland

**Developer:**

Kevin Cavanaugh

**Architect:**

Kevin Cavanaugh

**Project size:**

0.09 acres

**Mixed uses:**

Mixed-use building: 16,037 SF of commercial including restaurants and creative office space.

**Total project costs:**

\$ 4.1 m

**TOD Program funding:**

\$275,000

**Project status:**

Completed 2007

---

**COMPLETED PROJECTS** [continued]

**Villa Capris**



The Villa Capris is a higher density residential project located in suburban Hillsboro at the MAX station. The TOD Program purchased an easement to offset the cost of the elevator to achieve higher density and maintain ADA standards for 100% of units; very low parking ratio in suburban location.

**Project location:**

**Developer**

**Project size:**

**Mixed uses:**

**Total project costs:**

**TOD Program funding:**

**Project status:**

Corner of SE 12th & SE Washington, at the MAX Station, Hillsboro

Tualatin Valley Housing Partners

0.49 acres

Higher density (45 du/acre) residential: 20 affordable apartments

\$ 2.4 m

\$42,000

Completed 2002

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## ACTIVE PROJECTS

### 82nd Avenue Place



The 82nd Avenue Place project is located on a recycled freeway off-ramp, and is the first mixed use development in this area.

**Project location:**

**Developer**

**Architects:**

**Project size:**

**Mixed uses:**

NE 82nd avenue & NE Broadway Street, one block from MAX station, Portland  
Innovative Housing, Inc.

LRS Architects

1.16 net buildable acres

Mixed-use development: Three and five-story buildings; 58 affordable rental units for incomes of 30 to 50% and 15 homeless families; and 5400 SF ground floor commercial and child care.

**Total project costs:**

**TOD Program funding:**

**Project status:**

\$ 12.3 m

\$225,000

Under construction; completion expected 2009

### Beaverton Round



The Beaverton Round is most distinguished by its urban design: mixed-use buildings hug a large circular public plaza, with the MAX light rail transit station located in the middle. The image is considered to be an archetype of what a TOD should look like. Built on a former sewage treatment site and using newly designated wetland as an amenity, this TOD sets a new model for redevelopment of the numerous auto dealer lots and surface parking areas in the vicinity. It has the highest FAR [floor area ratio] of any TOD on the entire MAX line outside downtown Portland. It is also the first project to be funded from the "site improvements" category of the TOD Work Program.

**Project location:**

**Developer:**

**Project size:**

**Mixed uses:**

Hall Blvd., at the Beaverton Central MAX station, Beaverton

Dorn Platz

7.9 acres ; 5.5 acres net developable land area

Plaza and fountain improvements as amenities to mixed-use development including 80,000 SF retail, 450,000 office, 800 structured parking spaces, and 64 condominiums.

**Total project costs:**

**TOD Program funding:**

**Project status:**

\$ 120.0m

\$200,000

partially completed; future work to be phased with development; 2009

---

**ACTIVE PROJECTS** [continued]

**The Beranger**



The Beranger offers the first higher density housing condominiums in Gresham, and is establishing new market comparables that will reduce risk and make it easier to secure financing for future projects. It has a "green" roof for stormwater management, and the enjoyment of residents.

**Project location:**

NE 3rd & NE Roberts St., in the historic downtown Gresham

**Developer**

Rossmann Development

**Architects:**

Myhre Group Architects

**Project size:**

0.55 acres

**Mixed uses:**

Mixed-use building: 3 and 4-story project of 24 residential condominiums; 6100 SF of retail

**Total project costs:**

\$ 5.6m

**TOD Program funding:**

\$ 585,335 (including a \$300,000 low interest loan to be paid back from Condominium sales)

**Project status:**

Under construction; completion expected 2007

**bside6**



bside6 and the Burnside Rocket are the first two office buildings located out of the historic core of downtown Portland that have been built recently with no parking. bside6 is designed with creative "street rooms" that project over the sidewalk, helping to narrow the feel of East Burnside Street and providing a unique perspective on the street and extended views. It has the highest FAR of any TOD funded project (7 to 1). This creative building will showcase hanging bikes in the lobby as art.

**Project location:**

E. Burnside & SE 6th, Portland

**Developer:**

Marrs, Faherty, Caruana

**Architects:**

World Partnership Architecture LLC

**Project size:**

.09 acres

**Mixed uses:**

Mixed-use development: Seven story building with 27,000 SF retail, office and creative space

**Total project costs:**

\$4,100,000

**TOD Program funding:**

\$250,000

**Project status:**

Design development; construction completion expected 2009

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**ACTIVE PROJECTS** [continued]

**Gresham Station and Plaza**



The Gresham Station and Plaza project provides the opportunity to fully integrate new station and adjacent private mixed-use development.

**Project location:**

**Developer**

**Project size:**

**Mixed uses:**

**Total project costs:**

**TOD Program funding:**

**Project status:**

NW Civic Dr., at the future MAX station, Gresham

TBD

1.10 acres

Station platform, building, and civic plaza

\$ 6.3 m

\$410,000; 2 million from separate specific non-TOD program grant

Design development; completion expected 2009

**NEXUS**



NEXUS creates an active link from Orenco Village on Cornell Road to the MAX light rail station.

**Project location:**

**Developer:**

**Architect:**

**Project size:**

**Mixed uses:**

**Total project costs:**

**TOD Program funding:**

**Project status:**

1299 Orenco Station Parkway, near the Orenco MAX Station, Hillsboro

Simpson Housing

Hensley Lamkin Rachel, Inc.

10.42 acres

Mixed-use project: 422 market rate apartments; 7,100 SF retail

\$ 50.0m

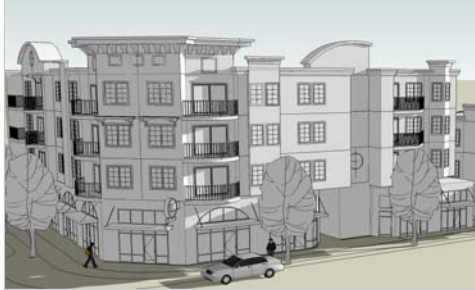
\$300,000

Under construction; completion expected 2007

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**ACTIVE PROJECTS** [continued]

**NW Miller & 3rd**



This project provides efficient design with vertically integrated development that reduces construction costs. It includes underground parking. This is the first time this developer has partnered with the TOD Program.

**Project location:**

NW Miller & NW 3rd, in historic downtown Gresham

**Developer:**

Tokola Properties, Dwight Unti

**Architects:**

Paul Franks Architecture

**Project size:**

0.62 acres

**Mixed uses:**

Mixed-use building: Four-story, 34-unit market rate rental housing  
5436 square feet of ground floor retail; and underground parking.

**Total project costs:**

\$ 6.1 m

**TOD Program funding:**

\$345,000

**Project status:**

Design development; completion expected 2008

**Russellville Commons III**



Completion of third and final phase of one of the original six projects funded by the TOD Program at its inception in 1998; completes development adjacent the MAX station

**Project location:**

SE 102nd Ave. & E. Burnside St., at the MAX station

**Developer:**

Rembold Properties

**Architects:**

MCM Architects

**Project size:**

1.2 acres

**Mixed uses:**

Multi-phase mixed use development: Phase III  
includes 139 senior housing units over 20,000 SF of retail  
over underground parking.

**Total project costs:**

\$ 13.0m

**TOD Program funding:**

\$175,000

**Project status:**

Under construction

---

## ACTIVE PROJECTS [continued]

### Salvation Army Site



High quality condominiums with brewpub/restaurant; this is the first time this developer has partnered with the TOD Program.

**Project location:**

400 NE Roberts, in historic downtown Gresham

**Developer**

400 Roberts Place, LLC.

**Architect:**

Ankrom Moisan

**Project size:**

0.67 acres

**Mixed uses:**

Four and five story condo with 28 units; and a two story restaurant/brewpub in historic downtown Gresham

**Total project costs:**

\$ 7.0 m

**TOD Program funding:**

\$265,000

**Project status:**

Design development; construction completion expected 2008

### Watershed



First mixed-use higher density in the Hillsdale town center.

**Project location:**

SW Capitol Highway at Bertha Court, Portland

**Developer:**

Community Partners for Affordable Housing

**Architects:**

William Wilson Architects PC

**Project size:**

1.10 acres

**Mixed uses:**

Three and four-story buildings; 51 low-income affordable apartments; 2,700 SF ground floor commercial; 2,000 SF community space; and 37 structured parking spaces.

**Total project costs:**

\$ 11.0m

**TOD Program funding:**

\$230,000

**Project status:**

Under construction; completion expected 2007

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## LAND ACQUISITION

### The Crossings I - Land



The Crossings I Land Acquisition supported development of a mixed-use building: 81 market rate affordable apartments, 20,000 SF class A retail space, and structured parking.

**Project location:**

NW Civic Drive, south of the MAX track, Gresham

**Developer**

Peak Development

**Project size:**

1.6 acres

**Total project costs:**

\$ 13.5 m [as developed]

**TOD Program funding:**

Net land cost \$450,000 [\$700,000 - \$250,000 residual parcel for Crossings II]; additional project funding provided for

**Project status:**

Acquired 2001

### The Crossings II- Land



The Crossings II - Land is a residual parcel from The Crossings Phase I. It was optioned to Peak Development as part of the Crossings I transaction. It is currently proposed as four-stories with 24 rental housing units and ground floor retail.

**Project location:**

NW Civic Drive, just behind The Crossings I, Gresham

**Developer**

TBD

**Project size:**

0.05 acres

**Total project costs:**

TBD

**TOD Program funding:**

Assigned \$250,000 value for land acquisition when Crossings I was sold to the developer.

**Project status:**

Acquired 2001; sale expected 2008



**LAND ACQUISITION** [continued]

**Gresham Civic Neighborhood Anchor Tenant - Land**



Land acquired for an anchor tenant use such as a grocery store, department store, theater/café, or smaller format specialty retail with office above in a 2-4 story building.

**Project location:**

NW Civic Drive, northeast of the future Max station, Gresham

**Developer:**

CenterCal selected

**Project size:**

1.9 acres

**Total project costs:**

\$ 20.0 m

**TOD Program funding:**

\$ 592,500 for acquisition of 50% share of land;

full recovery is expected from land sale proceeds if no structured parking acquired 2001; developer selected 2006; in design development;

**Project status:**

land sale expected 2009

**Gresham Civic Neighborhood NW - Land**



Land acquired for mixed-use development:

Brewpub theatre; 70,000 SF retail;

and 160-240 condo units in 2-3 towers , 6-8 stories high are expected.

**Project location:**

NW Civic Dr., north of the future MAX station, Gresham

**Developer:**

CenterCal selected

**Project size:**

6.7 acres

**Total project costs:**

\$ 50.0 m

**TOD Program funding:**

\$ 2,235,068 for land acquisition;

**Project status:**

Acquired 2001; developer selected 2006; in design development; land sale expected 2009

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**LAND ACQUISITION** [continued]

**Gresham Civic Neighborhood - SW Land**



Land acquired for mixed use development:  
30,000 SF retail; 150 housing units  
in 3 buildings, 5-8 stories high are expected.

**Project location:**

NW Civic Dr., south of the future MAX station, Gresham

**Developer**

Rossmann selected

**Architects:**

Myhre Group Architects selected

**Project size:**

4.4 acres

**Total project costs:**

\$ 40.0 m

**TOD Program funding:**

\$ 1,445,183 spent for land acquisition

project funding has not yet been determined

Land acquired in 2001; developer selected 2006;

**Project status:**

**Hillsboro Central - Land**



Land acquired for a mixed use building:  
75 residential units with 10,000 SF of retail are expected.

**Project location:**

350 E. Main St., at the Hillsboro Central/SE 3rd TC MAX Station, Hillsboro

**Developer**

TBD

**Project size:**

1.1 acres - jointly owned by Hillsboro and Metro

**Total project costs:**

\$13.0 m

**TOD Program funding:**

\$ 656, 630 for land acquisition

project funding has not yet been determined

Land acquired; developer selection anticipated 2008

**Project status:**

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## LAND ACQUISITION [continued]

### Milwaukie Town Center - Land



Land acquired by Metro to support IGA with the City of Milwaukie for mixed-use building: four or five stories; 76 housing units; 15,000 SF retail

**Project location:**

SE McLaughlin Blvd. & SE Harrison, Milwaukie

**Project size:**

0.98 acres - jointly marketing two separately owned parcels; Metro and Milwa Main Street Partners selected

**Developer:**

Myhre Group Architects selected

**Architects:**

**Total project costs:**

\$ 21.5 m

**TOD Program funding:**

\$ 812,000 for acquisition of property with operating gas station; project funding has not yet been determined

**Project status:**

Acquired 2005; station decommissioned 2006; developer selected 2007; in development; land sale expected 2008; completion in 2009

### Westgate - Land



Land acquired by City of Beaverton & Metro for mixed-use development: 3+ buildings of 5-10 stories; 30,000+ SF retail; 90+ housing units; 200,000+ SF office

**Project location:**

Cedar Hills Blvd., at the Beaverton Central MAX station, Beaverton

**Project size:**

4.57 acres

**Total project costs:**

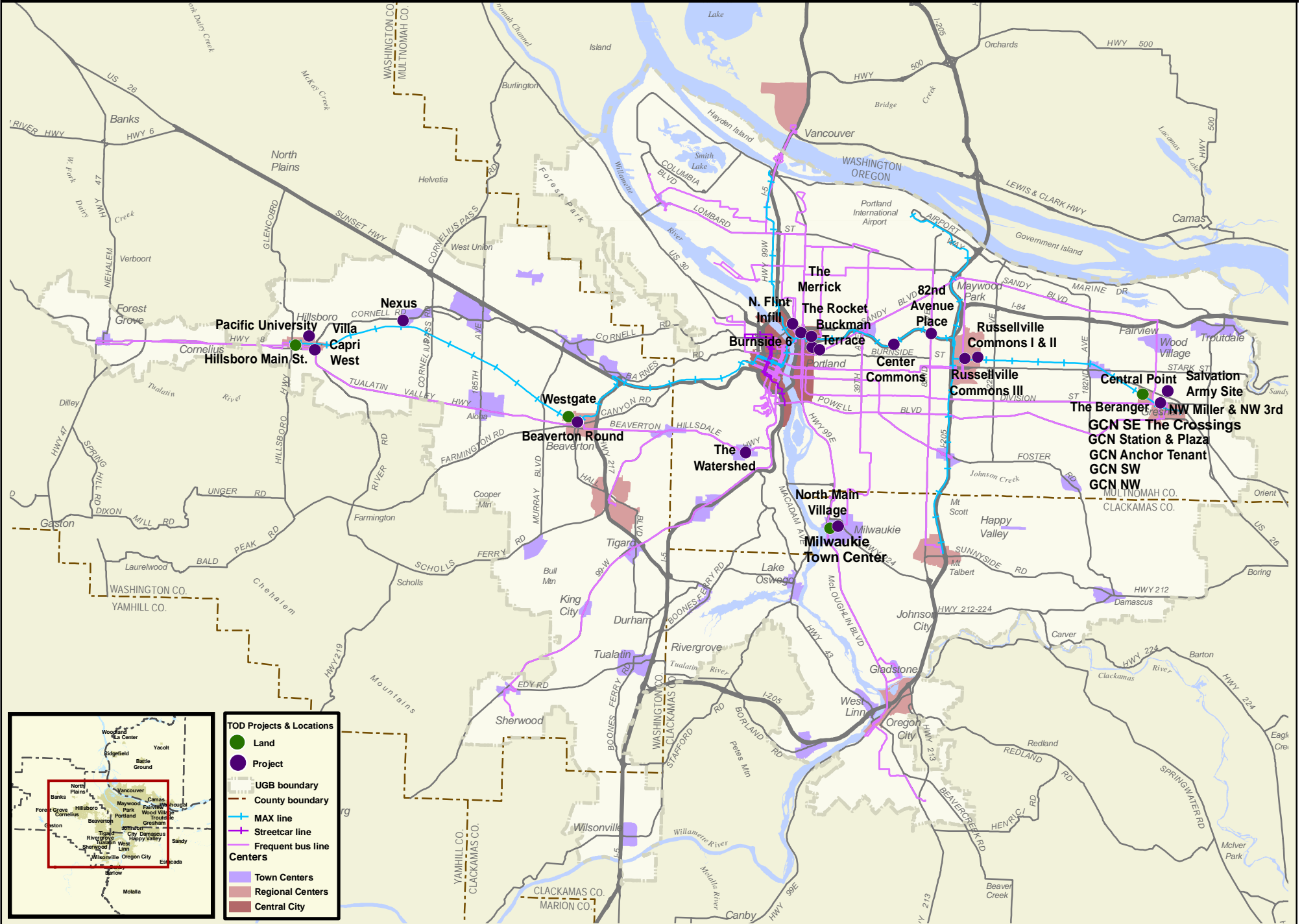
\$ 100.0 m

**TOD Program funding:**

\$2,000,917 spent for land acquisition; project funding has not yet been determined

**Project status:**

Acquired in 2006; developer selection underway in 2007; land sale expected in 2009; completion in 2011



**TOD Projects & Locations**

- Land
- Project
- UGB boundary
- County boundary
- + MAX line
- + Streetcar line
- + Frequent bus line

**Centers**

- Town Centers
- Regional Centers
- Central City

**METRO**

People places • open spaces

**Chief Operating Officer**

Michael Jordan

**Planning Department**

Andy Cotugno – Director

**Transit Oriented Development and Centers Program**

Phil Whitmore – Manager

Megan Gibb – Assistant Manager

Marc Guichard – Senior Development Project Manager

Meganne Steele – Development Project Manager

Leila Aman – Development Project Manager

Pamela Blackhorse – Administrative Secretary

**Office of the Metro Attorney**

Joel Morton– Senior Attorney

Agenda Item Number 5.1

Consideration of Minutes of the November 15,  
2007 Metro Council Regular Meeting

*Consent Agenda*

Metro Council Meeting  
Thursday, November 29, 2007  
Wilson High School

## MINUTES OF THE METRO COUNCIL MEETING

Thursday, November 15, 2007  
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Kathryn Harrington, Robert Liberty, Rex Burkholder, Carl Hosticka, Carlotta Collette

Councilors Absent: Rod Park (excused)

Council President Bragdon convened the Regular Council Meeting at 2:01 p.m.

### 1. INTRODUCTIONS

There were none.

### 2. CITIZEN COMMUNICATIONS

Julie Russell, CPO 4B 12662 SW Terraview Dr. Tigard OR 97224 provide the resolution she spoke about. Their CPO passed a resolution urging Metro and Washington County to include Bull Mountain in their planning. She shared the effected Bull Mountain area on a map. She reviewed statistics about North Bethany and the money they received for planning. She noted how much Bull Mountain had received as well. She noted there had never been a comprehensive plan for the area. On behalf of CPO 4B she urged Metro to contribute some additional funding for planning. Funding was always an issue. She suggested including park and open space areas when planning.

Councilor Liberty asked about the nature of agreements that were signed with Washington County. Michael Jordan, Chief Operating Officer (COO), talked about estimates of excise tax disbursements. Councilors asked clarifying questions about the excise tax disbursements. Councilor Hosticka suggested the Planning Department follow up on this testimony. He felt this testimony was very timely. Councilor Harrington asked Ms. Russell about the geographic areas listed on the slide and which of the areas were covered by the existing Bull Mountain planning area. Ms. Russell responded to her question. Councilors talked about planning in the incorporated areas of Bull Mountain. Councilors Harrington and Hosticka were meeting with the Washington County Commission next week and would discuss this issue.

Lisa Hamilton Treick 13565 SW Beef Bend Tigard OR 97224 said she was a long time resident of Bull Mountain. She talked about the committees that she had served on. She provided her testimony for the record as well as a copy of her power point presentation.

Ed Miller 15336 SW Burgundy St Tigard OR 97224 said he was the chairperson of CPO 4B and served on the stakeholders work group. They planned to take the same story to the Washington County Board of Commissioners. He would be covering the negative impacts. He provided recommendations, which were included in the record. He requested that the Council prepare a resolution supporting the recommendations and pass them along to Washington County. Councilor Harrington asked about Washington County's planning for this area. Mr. Jordan responded to her question.

### **3. NATURAL AREAS PROGRAM**

Suzanne Flynn, Metro Auditor, presented the audit on Natural Areas Program. This was the third audit of this program. She provided a history of the previous audits and an overview of her audit (a copy of which is included in the meeting packet). She reviewed her recommendations, which included adopting goals based on the bond measure. They had also looked at communication and lessons learned. The recommendations were provided on page 23 of the audit. She commended the two auditors who work on this audit as well as the Regional Parks and Greenspaces staff.

Jim Desmond, Director of Regional Parks and Greenspaces, noted responses to the audit. They were committed to program improvements. They had come to view the Auditor and her staff as resources. Councilor Harrington asked about evaluating public involvement noted on page 17. She asked if they had specific recommendations about best-case practices. Kristen Lieser, Senior Management Auditor said one aspect of the program required public support so public involvement should continue beyond the refinement process.

Auditor Flynn clarified further her recommendations on public involvement. Councilor Collette said she was impressed with the audit and felt Metro needed to continue this type of audit. She talked about the goals of the bond measure and continuing the communication with our citizens. Councilor Burkholder thanked the Auditor for her work. He looked forward to recommendation #2 having to do with assessing operating costs. He felt it would help create a means to address this issue. Councilor Liberty also talked about recommendation #2 on easements. Auditor Flynn said they were focusing on operational costs.

Councilor Liberty wanted to know about the oversight committee and their reaction. Auditor Flynn said they met with the committee and felt that the audit helped provide guidance to the committee. Mr. Desmond added his comments about the oversight committee. Council President Bragdon suggested flagging the grant program. Because it was a new program, he welcomed the Auditor's suggestions. He noted page 14 on allocation of overhead. He wanted to encourage management to make use of staff that might be charged with other duties. He felt there was another important issue that should be addressed which was overhead overall to this program. He talked about purchase objectives, which might be different dependent upon the site. He then talked about geographic equity and the need for continual monitoring. He felt the audit was very helpful. Councilor Collette said they might be able to look at volunteer support as a piece of the overhead. It was important to keep those volunteers engaged.

### **4. 2006-07 MINORITY WOMEN AND EMERGING SMALL BUSINESS (MWESB) ANNUAL REPORT**

Darin Matthews, Procurement Manager, and Angela Watkins, MWESB Coordinator, provided an overview of the MWESB report (a copy of the power point presentation was included in the record).

Councilor Harrington wondered what they attributed the improvement to. Mr. Matthews responded that it was a number of things such as contracting for the Open Space Bond Measure. Management and Directors have been very supportive. He also recognized Angela Watkins and her skills and abilities working with the program. Councilor Harrington said utilization this last fiscal year was 16%. She wondered what context this was in? Mr. Matthews said they were measuring the contract dollars awarded. Councilor Liberty talked about the utilization history graph and the spikes. Mr. Matthews responded to his question. Ms. Watkins said the smaller



contracts helped the MWESBs statistics. Councilor Collette said as a former Women Owned Business, Metro had an accessible website for signing on as a contractor. She still got notices as a contractor. She wondered in Metro notified contractors. Mr. Matthews said they did notify contractors by email. Councilor Collette said if they were dealing with people that might qualify, some hand holding and encouragement to get qualified would be good. Ms. Watkins said they both notify and encourage. Mr. Jordan said the Business Design Team had looked at business processes. They had made contracting recommendations. He felt that those contracting recommendations were being implemented well.

**5. CONSENT AGENDA**

- 5.1 Consideration of minutes of the November 8, 2007 Regular Council Meeting.
- 5.2 **Resolution No. 07-3880**, For the Purpose of Amending the 2004 Regional Transportation Plan (RTP) and 2006-2009 Metropolitan Transportation Improvement Program (MTIP) and the 2008-11 MTIP to Include the Interstate 5: Wilsonville Road Interchange Project.
- 5.3 **Resolution No. 07-3884**, For the Purpose of Confirming the Appointment of Michelle K. Poyourow as Multnomah County Citizen member to the Metro Policy Advisory Committee (MPAC).
- 5.4 **Resolution No. 07-3881**, For the Purpose of Approving a Sole Source Contract for the Collection and Analysis of Financial Trend Data.

Motion: 

Councilor Liberty moved to adopt the meeting minutes of the November 8, 2007 Regular Metro Council and Resolution Nos. 07-3880, 07-3884 and 07-3881.
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Vote: 

Councilors Burkholder, Harrington, Liberty, Collette, Hosticka and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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**6. ORDINANCES – FIRST READING**

- 6.1 **Ordinance No. 07-1168**, For the Purpose of Amending Metro Code Chapter 2.21 (Claims under ORS 197.352) to Implement Ballot Measure 49 and Declaring an Emergency.

Council President Bragdon assigned Ordinance No. 07-1168 to Council.

**7. RESOLUTIONS**

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

Councilor Burkholder introduced the resolution. Kim Ellis, Planning Department, provided a power point presentation on the Regional Transportation Plan (RTP).

Council President Bragdon opened a public hearing on Resolution No. 07-3831.

Jim Edelson, and Sister Pat Negle, Oregon Interfaith Power and Light, 2836 SE 19<sup>th</sup> Portland OR 97202 provided their testimony for the record.

Councilor Liberty asked if the members of the coalition had a chance to look at the list of projects. Mr. Edelson said some members had looked at them but they had not seen an analysis of the projects and impacts of green house emissions.

Don Baach, SW Trails Hillsdale Neighborhood, 6495 SW Burlingame Place Portland OR 97239 provided his testimony for the record and summarized his remarks.

Councilor Liberty asked Mr. Baach to talk about the Islet structure. Mr. Baach responded to his request and talked about the severe impacts when the project began.

Peter Decrescenzo, 6516 SW 33<sup>rd</sup> Place Portland OR 97239 said he was one of those million people who had moved to Portland. They had just bought a house. He supported the work of the Hillsdale Neighborhood Association. They had moved up from San Francisco area. They researched their move for several years. They studied neighborhoods that had town centers with good bike and transit access. They settled on Multnomah Village because it met those requirements. He then talked about missing sidewalks in this area. If one chose to walk or bike, a common feature of the southwest area was there weren't a lot of sidewalks. He was supportive of sustainability. Pedestrian access should be first.

Karen Frost, Westside Transportation Alliance, 12725 SW Millikan Way #300 Beaverton OR 97005 provided her testimony for the record.

Tamara DeRidder, Sullivan Gulch Corridor Trail, 1707 NE 52<sup>nd</sup> Ave Portland OR 97213 said she was a long term resident. She was in support of adding back the Sullivan Gulch Corridor Trail to the constrained Regional Transportation Plan. She said this trail was I-84. It would connect three different centers. It would reduce the increase in green house gases. It complied with the RTP goals. It provided activity for bicycle travel off street. They had worked with City of Portland Parks to finish their master plan. They were hoping to be added back into the constrained RTP.

Kay Durtchi, Multnomah Neighborhood and Metro Technical Advisory Committee, 2230 SW Caldwell, Portland OR 97219 deferred her comments to allow Marianne Fitzgerald to testify. She then encouraged Councilors to come to the area and get acquainted with her area. She talked about the Barbur Boulevard issues and the viaduct by Multnomah. It needed to be finished. It was the one and only north south connector from the top of the hill to I-5. They needed to improve pedestrian and bicycle access. She also said that if anything happened on I-5, traffic used Barbur, which created huge congestion. It was a major connector, which needed pedestrian and bike access. She urged a corridor study for this area.

Marianne Fitzgerald, Southwest Neighborhoods Inc 7688 SW Capital Hwy Portland OR 97213 provided her testimony for the record.

Councilor Liberty asked about the South Portland improvements project. He had received four letters on this project. He asked what Councilors should know about this project. Ms. Fitzgerald talked about the earmark of the project. She said Naito Parkway worked well for cars but was awful for pedestrians.

MJ Coe, Sullivan Gulch Corridor Trail Committee, 43 NE Meikle Place Portland OR 97213 thanked Metro for the Metropolitan Transportation Improvement Program (MTIP) process. The Trail had been omitted from the RTP financially constrained list. He was here to ask that it be put back on the list. They didn't understand how the list was developed. Timing for their project was critical. Through the MTIP process they would be allocated funds for the master plan. Their committee had asked the City of Portland Parks Department to advance funding and jumpstart the master planning process. It was possible that the master planning could be done by the time the MTIP money would be released. They were asking that Portland Department of Transportation reconsider their decision and recommend that the trail be added back.

Curt Schneider 7232 N Kellogg Street Portland OR 97203 did not testify.

Jon Putman, 1216 NW 25<sup>th</sup> Portland OR 97210 said he was here to present a proposal to help with elderly and disabled transportation. A copy of his testimony was included in the record.

Councilor Liberty asked for clarification on his proposal. Mr. Putman said Council needed the support of the largest minority in the region, the elderly and disabled. They needed a person to focus on this area and some funding to support this group. Councilor Burkholder liked the idea of a program proposal. Could he see this on the land use side? Mr. Putman said he managed small public transit systems. He noted that Councilor Burkholder's comments about contiguous places were important. Metro needed to look at the next cities over.

Bill Barber, Central Northeast Neighborhood Inc 4415 87<sup>th</sup> Portland OR 97220 provided his testimony for the record.

Councilor Burkholder asked about corridor studies in Sandy Blvd and 82<sup>nd</sup> Blvd. Mr. Barbur acknowledged the need.

Jan Secunda, 11505 NW St. Helens Rd Portland OR 97231 did not testify but provided written testimony for the record.

Mara Gross, Coalition for a Livable Future (CLF), 310 SW 4<sup>th</sup> Portland OR said she was here representing CLF. They had submitted written comments. The needs of people and not the needs of vehicles should be the primary focus of the RTP. Walking and biking should be focused on. She urged protecting the investments we had already made such as public transportation, rail, bike and pedestrians. Through the RTP Metro had recognized the most needy population.

Mary Kyle McCurdy, 1000 Friends of Oregon, provided her testimony for the record indicating she would email her testimony to the Clerk of the Council.

Amanda Fritz, Coalition for a Livable Future, 4106 SW Vacuna Portland OR 97219 provided her testimony for the record.

Ian Slingerland, Community Alliance of Tenants, 2710 NE 14<sup>th</sup> Portland OR 97203 provided his testimony for the record.

Council President Bragdon asked Ms. Gross about the projects and if they were contrary to some of the objectives. Ms. Gross said they had looked at many of the sections of the plan and appreciated the approach that Metro had taken. She could not tell if the projects were consistent

with the criteria. Councilor Liberty said they had been following the development of the policy section and asked if the projects side was clear. Mr. Slingerland said he had not. Ms. Fritz said she felt it was rushed. Ms. McCurdy said much had come out about what the contribution of transportation made on green house gas emissions. They were recommending looking at this now. Metro had a lot of that data here. It was hard to evaluate green house gases and the specific projects. Councilor Liberty said Metro had a lot of that data. Councilor Collette said she had been involved in working on the project list but wasn't as well versed on the policy part of the process when she was a city councilor. She felt they needed to make a tighter connection between the values that were expressed and the projects.

Robert Hamilton, Hillsdale Neighborhood Association, 7110 SW Burlingame Ave Portland OR 97219 urged bike and pedestrian inclusion of his southwest area. He said they were prepared to offer that there was a great deal of interest in trails and sidewalks. One of the things they will do would be to promote the use of trails and sidewalks. They would also help build those trails.

Brad Perkins Sullivan Gulch Corridor Trail Committee, 1722 NE Schuyler, Portland OR 97212 did not testify.

Council President Bragdon closed the public hearing.

Councilor Burkholder said they would address some of the issues that had been raised today. They will address the policy process and the project list. He thanked Council for listening. He explained the next steps.

## **8. CHIEF OPERATING OFFICER COMMUNICATION**

Michael Jordan, COO, updated the Council on Bull Mountain and where they were in the process. They were currently in the signature phase of the agreement. It laid out a two-year process for planning upon approval of the agreement. He noted the requirements that were laid out in the Intergovernmental Agreement. He didn't have the application for the money.

## **9. COUNCILOR COMMUNICATION**

Councilor Liberty said he attended a CE program. One of the topics was a comprehensive ethics plan. Mr. Dan Cooper, Metro Attorney, said they would provide this information to Council before recess.

Councilor Harrington reported on MPAC. They were briefed on the RTP.

Councilor Burkholder said a speaker, Michael Repogle, would be coming from Environmental Defense on Monday morning at 10am to talk about Transportation in the 21<sup>st</sup> Century; Improving mobility, reducing environmental footprint. He also talked about a convention that they were able to retain. He said they needed a headquarters hotel.

## **10. ADJOURN**

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 4:35 p.m.

Metro Council Meeting

11/15/07

Page 7

Prepared by

Chris Billington

Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF  
 NOVEMBER 15, 2007**

<b>Item</b>	<b>Topic</b>	<b>Doc. Date</b>	<b>Document Description</b>	<b>Doc. Number</b>
5.1	Minutes	11/8/07	Metro Council Meeting Minutes of November 8, 2007	111507c-01
7.1	Email	11/14/07	To: Metro Council From: Gregory Ewer Re: RTP Comments	111507c-02
7.1	Letter	11/15/07	To: Jack Klinker, President Ashcreek Neighborhood Association Re: RTP Comments	111507c-03
7.1	Letter	11/9/07	To: Metro Council From: Tom Coffee, Community Development Director City of Tigard Re: RTP Comments	111507c-04
7.1	Letter	11/15/07	To: Metro Planning Department From: Bill Barber, Central Northeast Neighbors Inc. Re: RTP comments	111507c-05
2.0	Resolution	11/15/07	To: Metro Council From: Ed Miller and Julie Russell, CPO4B Re: Citizen Participation Organization Resolution No. 07-01 on Bull Mountain planning	111507c-06
2.0	Power Point Presentation	11/15/07	To: Metro Council From: Ed Miller and Lisa Hamilton Treick Re: West Bull Mountain concept planning	111507c-07
4.0	Power Point Presentation	11/15/07	To: Metro Council From: Darin Matthews and Angela Watkins, Procurement Division/FAS Re: Metro MWESB Program FY 2006-07 Utilization	111507c-08
7.1	Letter	11/14/07	To: Metro Council From: Jan Secunda Re: RTP comments	111507c-09
7.1	Testimony	11/15/07	To: Metro Council From: Ian Slingerland Re: RTP Comments	111507c-10
7.1	Testimony	11/15/07	To: Metro Council From: Dan Baack Re: RTP comments	111507c-11
7.1	Testimony	11/15/07	To: Metro Council From: Jon Putman Re: RTP comments	111507c-12

<b>Item</b>	<b>Topic</b>	<b>Doc. Date</b>	<b>Document Description</b>	<b>Doc. Number</b>
7.1	Testimony	11/15/07	To: Metro Council From: Ron Carley and Mara Gross, Coalition for a Livable Future	111507c-13
7.1	Testimony	11/15/07	To: Metro Council From: Marianne Fitzgerald, Southwest Neighborhoods Inc. Re: RTP Comments	111507c-14
7.1	Testimony	11/15/07	To: Metro Council From: Karen Frost, Westside Transportation Alliance Re: RTP Comments	111507c-15
7.1	Fax	11/15/07	To: Metro Council From: Tom Imeson, Public Affairs Director, Port of Portland Re: RTP comments	111507c-16
7.1	Letter	11/7/07	To: Councilor Park and Metro Council From: Ken Love, South Portland Neighborhood Association, Jim Gardner, former Metro Council and John Perry Architect Re: RTP Comments	111507c-17
7.1	Testimony	11/15/07	To: Metro Council From: Jim Edelson, and Sister Pat Negle, Oregon Interfaith Power and Light Re: RTP Comments	111507c-18
7.1	Testimony	11/15/07	To: Metro Council From: Mary Kyle McCurdy, CLF Re: RTP Comments	111507c-19
7.1	Letter	11/15/07	To: Metro Council and JPACT From: Dick Pedersen, Oregon Department of Environmental Quality Re: RTP Comments	111507c-20
7.1	Letter	11/15/07	To: Council President Bragdon and Councilor Hosticka From: Mark Ottenad Executive Director Wilsonville Chamber of Commerce Re: RTP comments	111507c-21
7.1	Letter	11/15/07	To: Metro Council From: Ann Gardner, Chair Portland Freight Committee Re: RTP comments	111507c-22

**Resolution No. 07-3877**, For the Purpose of Confirming the Council President's Appointments to the Transportation Policy Alternatives Committee (TPAC) for 2008-2009.

*Consent Agenda*

Metro Council Meeting  
Thursday, November 29, 2007  
Wilson High School



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE ) RESOLUTION NO. 07-3877  
COUNCIL PRESIDENT’S APPOINTMENTS TO )  
THE TRANSPORTATION POLICY )  
ALTERNATIVES COMMITTEE (TPAC) FOR ) Introduced by Councilor Rex Burkholder  
2008–2009 )

WHEREAS, Metro Code Sections 2.19.030(b) and 2.19.180 and the Transportation Policy Alternatives Committee (TPAC) bylaws provides that the Metro Council President shall appoint all members of all advisory committees; and

WHEREAS, TPAC coordinates and guides the regional transportation planning program in accordance with the policy of the Metro Council; and

WHEREAS, TPAC has three seats for citizen members currently vacant; and

WHEREAS, the Metro Council President has made the following appointments and reappointment to fill the TPAC vacancies:

**TPAC Names; New Appointments / Reappointment; and Terms:**

John Reinhold, Software Systems Analyst, Windsor Solutions, Inc. (Re-appointment; First Two-Year Term – January 2008 through December 2009);

April Siebenaler, Transportation Planner, Harper Houf Peterson Righellis, Inc. (New appointment; First Two-Year Term – January 2008 through December 2009);

Louis A. Ornelas, P.E., Project Manager, Shared Vision Consulting (New appointment; First Two-Year Term – January 2008 through December 2009); now therefore,

BE IT RESOLVED, that the Metro Council hereby confirms the Metro Council President’s appointments and reappointment of the following citizens to serve as TPAC members as noted below:

**TPAC Names; New Appointments / Reappointment; and Terms:**

John Reinhold, Software Systems Analyst, Windsor Solutions, Inc. (Re-appointment; First Two-Year Term – January 2008 through December 2009);

April Siebenaler, Transportation Planner, Harper Houf Peterson Righellis, Inc. (New appointment; First Two-Year Term – January 2008 through December 2009);

Louis A. Ornelas, P.E., Project Manager, Shared Vision Consulting (New appointment; First Two-Year Term – January 2008 through December 2009).

ADOPTED by the Metro Council this \_\_\_\_\_ day of November 2007.

\_\_\_\_\_  
David Bragdon, Council President

Approved as to Form:

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 07-3877, FOR THE  
PURPOSE OF CONFIRMING THE COUNCIL PRESIDENT'S  
APPOINTMENTS AND REAPPOINTMENT TO THE TRANSPORTATION  
POLICY ALTERNATIVES COMMITTEE (TPAC) FOR 2008–2009

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Date: November 29, 2007

Prepared by: Pat Emmerson

### BACKGROUND

The Transportation Policy Alternatives Committee (TPAC) provides technical advice to the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council regarding transportation planning and policy. TPAC has 21 members — 15 technical staff from governments in the region and 6 interested community members. The community members represent various interests and parts of the region.

Currently TPAC has three vacant community seats, the result of expired two-year terms. Public notices of the vacancies were sent to a list of interested parties, neighborhood association newsletters and major and community newspapers. The vacancies were posted on the Metro web site with application instructions and a link to an online application form. Metro received 16 applications and interviewed 7 individuals.

### EXISTING LAW

Metro Code Sections 2.19.030 (a) and (b) and 2.19.180 (b)(6) states that community representatives be nominated through a public application process, appointed by the Metro President and confirmed by the Metro Council.

### ANALYSIS/INFORMATION

1. **Known Opposition:** none
2. **Legal Antecedents:** Metro Code Sections 2.19.030 (a) and (b) and 2.19.180 (b)(6); Metro TPAC Bylaws; Ordinance No. 00-860A (For the Purpose of Adding a New Chapter 2.19 to the Metro Code Relating to the Advisory Committees), adopted November 9, 2000; and Resolution No. 04-3469A (For the Purpose of Approving Updated Bylaws for the Transportation Policy Alternatives Committee (TPAC) That Formalize New Technical Subcommittees), adopted August 19, 2004.
3. **Anticipated Effects:** Approval fills vacancies for citizen members on TPAC.
4. **Budget Impacts:** none

### RECOMMENDED ACTION

Staff recommends the adoption of Resolution No. 07-3877.

Agenda Item Number 5.3

**Resolution No. 07-3886**, For the Purpose of Confirming the  
Appointment of Jim Stahly to the Metro Central Station Community  
Enhancement Committee (MCSCEC)

*Consent Agenda*

Metro Council Meeting  
Thursday, November 29, 2007  
Wilson High School

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE	)	RESOLUTION NO. 07-3886
APPOINTMENT OF MR. JIM STAHLY TO THE	)	
METRO CENTRAL STATION COMMUNITY	)	
ENHANCEMENT COMMITTEE (MCSCEC)	)	Introduced by Council President
	)	David Bragdon
	)	

WHEREAS, Metro Code Chapter 2.19.030, "Membership of the Advisory Committees," states that all members and alternate members of all Metro Advisory Committees shall be appointed by the Council President and shall be subject to confirmation by the Council; and

WHEREAS, Metro Code Chapter 2.19.120, "Metro Central Station Community Enhancement Committee (MCSCEC)," provides for the (MCSCEC); and

WHEREAS, Metro Code Chapter 2.19.120(b)(1) sets forth representation criteria for Committee membership; and

WHEREAS, a vacancy has occurred in representation of Linnton Neighborhood Association on the MCSCEC; and

WHEREAS, the Linnton Neighborhood Association submitted a nomination to the Metro Council President; and

WHEREAS, the Council President has appointed Jim Stahly, a representative of the Linnton Neighborhood Association, subject to confirmation by the Metro Council; now therefore,

BE IT RESOLVED, that the Metro Council confirms the appointment of Jim Stahly to Metro's MCSCEC.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
David Bragdon, Council President

Approved as to Form:

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

## **STAFF REPORT**

### **IN CONSIDERATION OF RESOLUTION NO. 07-3886 FOR THE PURPOSE OF CONFIRMING THE APPOINTMENT OF JIM STAHLY TO THE METRO CENTRAL STATION COMMUNITY ENHANCEMENT COMMITTEE**

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Date: November 29, 2007

Prepared by: Karen Blauer

#### **BACKGROUND**

A vacancy has occurred in the Metro Central Station Community Enhancement Committee (hereinafter referred to as MCSCEC) membership. Metro Code Chapter 2.19.120, "Metro Central Station Community Enhancement Committee (MCSCEC)," provides for the MCSCEC and subsection 2.19.120(b)(1) sets forth Committee membership and representation criteria. The vacancy in the MCSCEC membership currently exists due to the end of a term for the member representing the Linnton Neighborhood Association.

Linnton Neighborhood Association (LNA) nominated Jimmy Ray Stahly as its representative. Mr. Stahly has served as Linnton Community Center board director and is the former General Manager of the Linnton Plywood Association (Attachment 1). He has expressed a desire to support the many deserving organizations in the Metro grant target area by serving on the MCSCEC.

#### **ANALYSIS/INFORMATION**

1. Known Opposition. There is no known opposition to the appointments of Mr. Stahly to the MCSCEC.
2. Legal Antecedents. Chapter 2.19 of the Metro Code Relating to Advisory Committees; Section 2.19.120 provides for a Metro Central Station Community Enhancement Committee (MCSCEC) and sets forth guidelines for representation.
3. Anticipated Effects. Adoption of this resolution would confirm the appointment of Jim Stahly to the MCSCEC.
4. Budget Impacts. There are no known costs associated with implementation of this legislation.

#### **RECOMMENDED ACTION**

David Bragdon, Council President, and Councilor Rex Burkholder, chair of the enhancement committee, recommend adoption of this resolution to confirm the appointment of Mr. Stahly to serve on the Metro Central Station Community Enhancement Committee.

KB:sm

M:\rem\od\projects\Legislation\2007\07-3886 MCSCEC Stf rpt.doc

**Jimmy Ray Stahly**  
10549 N. W. St. Helens Rd.  
Portland, Oregon 97231  
Phone 503-286-8776  
Email [jrstahly@earthlink.net](mailto:jrstahly@earthlink.net)

**WORK HISTORY**

**Linton Plywood Association**

1970-86 General Mill work  
1986-88 Secretary/Treasurer  
1988-91 President  
1991-94 Sales  
1994-03 General Manager

**EDUCATION**

B.S. Management Maryhurst University 1994  
MBA Maryhurst University 1996

**VOLUNTARY**

Metro Central Enhancement Committee Current  
Linton Community Center - Director Current

**Ordinance No. 07-1168**, For the Purpose of Amending  
Metro Code Chapter 2.21 (Claims under ORS 197.352) to  
Implement Ballot Measure 49 and Declaring an Emergency.

*Second Reading*

Metro Council Meeting  
Thursday, November 29, 2007  
Wilson High School

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO CODE ) Ordinance No. 07-1168  
CHAPTER 2.21 (CLAIMS UNDER ORS 197.352) TO )  
IMPLEMENT BALLOT MEASURE 49, AND ) Introduced by Chief Operating Officer  
DECLARING AN EMERGENCY ) Michael Jordan with the Concurrence of  
 ) Council President David Bragdon

WHEREAS, the voters of Oregon enacted Ballot Measure 49 on November 6, 2007, which amends ORS 197.352 (Ballot Measure 37) and requires Metro to provide relief to owners of property under circumstances set forth in the measure; and

WHEREAS, the Metro Council enacted Metro Code Chapter 2.21 by Ordinance No. 05-1087A (For the Purpose of Adopting a Process for Treatment of Claims Against Metro Under Ballot Measure 37 by Adding Chapter 2.21 to Title II of the Metro Code), effective December 21, 2005, to implement Ballot Measure 37; and

WHEREAS, the Council wishes to revise Chapter 2.21 to conform to the requirements of Ballot Measure 49; and

WHEREAS, the Council held a public hearing on the proposed amendments on November 29, 2007; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Chapter 2.21 of the Metro Code is hereby amended as indicated in Exhibit A, attached and incorporated into this ordinance, in order to implement Ballot Measure 49.
2. The Findings of Fact and Conclusions of Law in Exhibit B, attached and incorporated into this ordinance, explain how these amendments comply with the Regional Framework Plan and statewide planning laws.
3. This ordinance is necessary for the immediate preservation of public health, safety and welfare because the effective date of Ballot Measure 49 is December 6, 2007, after which date property owners may file claims under the measure. An emergency is, therefore, declared to exist, and this ordinance shall take effect on December 6, 2007, pursuant to Metro Charter section 39(1).

ADOPTED by the Metro Council this 29th day of November, 2007.

\_\_\_\_\_  
David Bragdon, Council President

Attest:

Approved as to form:

\_\_\_\_\_  
Christina Billington, Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney



**Exhibit A to Ordinance No. 07-1168**  
Amendments to Metro Code Chapter 2.21;

~~CLAIMS UNDER ORS 197.352 (BALLOT MEASURE 37)~~

SECTIONS	TITLE
2.21.010	Purpose
2.21.020	Definitions
2.21.030	Filing a Claim
2.21.040	<del>Review of Claim by Chief Operating Officer and Recommendation</del>
2.21.050	<del>Hearing on Claim before Metro Council</del>
2.21.060	<del>Action on Claim by Metro Council</del>
2.21.070	<del>Conditions on Compensation or Waiver</del>
2.21.080	<del>Fee for Processing Claim</del>

~~2.21.010 Purpose~~

~~This chapter establishes a process for treatment of claims for compensation submitted to Metro under ORS 197.352 (Ballot Measure 37). Metro adopts this chapter in order to afford property owners the relief guaranteed them by ORS 197.352 and to establish a process that is fair, informative and efficient for claimants, other affected property owners and taxpayers. It is the intention of Metro to implement the statute faithfully and in concert with its other responsibilities, including its Charter mandate to protect the environment and livability of the region for current and future generations.~~

~~2.21.020 Definitions~~

~~— (a) "Appraisal" means a written statement prepared by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon pursuant to ORS Chapter 674. In the case of commercial or industrial property, "appraisal" additionally means a written statement prepared by an appraiser holding the MAI qualification, as demonstrated by a written certificate.~~

~~— (b) "Family member" means the wife, husband, son, daughter, father, brother, brother in law, sister, sister in law, mother in law, father in law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner of the real property, an estate of any of the foregoing family members, or a legal entity owned by any one or combination of these family members or the owner of the real property.~~

~~— (c) "Land use regulation" means a provision of a Metro functional plan or a land use regulation adopted by a city or county to comply with a Metro functional plan.~~

~~(d) "Owner" means the owner of the property, or any interest therein. "Owner" includes all persons or entities who share ownership of a property.~~

~~(e) "Reduction in value" means a reduction in the fair market value of real property, or any interest therein, resulting from enactment or enforcement of a land use regulation.~~

~~(f) "Waiver" means action by the Metro Council to modify, remove or not apply the land use regulation found to have caused a reduction in fair market value.~~

#### ~~2.21.030 Filing a Claim~~

~~(a) A person may file a claim with Metro for compensation under ORS 197.352 without following the process set forth in this chapter. Metro may give priority to a claim filed under this chapter over claims filed without compliance with this chapter.~~

~~(b) A person filing a claim under this chapter must be the owner of the property that is the subject of the claim at the time the claim is submitted to Metro. The person must simultaneously file with Metro all claims against Metro under ORS 197.352 that involve the property. The person shall submit the claim or claims to the Chief Operating Officer (COO) and shall include, at a minimum, the following information:~~

~~(1) The name, street address and telephone number of the claimant and all other persons and entities with an interest in the property;~~

~~(2) A title report issued no more than 30 days prior to submission of the claim that shows the claimant's current real property interest in the property, the deed registry of the instrument by which the claimant acquired the property, the location and street address and township, range, section and tax lot(s) of the property, and the date on which the owner acquired the property interest;~~

~~(3) A written statement signed by all owners of the property, or any interest in the property, consenting to the filing of the claim;~~

~~(4) A reference to any and all specific, existing land use regulations the claimant believes reduced the value of the property and a description of the manner in which the regulation restricts the use of the property;~~

~~(5) A copy of the city or county land use regulations that applied to the property at the time the challenged land use regulations became applicable to, or were enforced against, the property;~~

~~(6) The claimant's purchase price for the property;~~

~~(7) Evidence of the fair market value of the property prior to the application or enforcement of the challenged land use regulations to the property and the fair market value after application or enforcement of the regulations;~~

~~(8) A description of the claimant's proposed use of the property if the Council chooses to waive a land use regulation instead of paying compensation; and~~

~~(9) A statement whether the claimant is filing claims with other public entities involving the same property and a copy of any decision made by the entity on the claim.~~

~~(c) In addition to the information required by subsection (b) of this section, a person filing a claim under this chapter after December 4, 2006, shall also submit the following information with the claim:~~

~~(1) A copy of the land use application the claimant has filed with the city or county in which the property lies; and~~

~~(2) A copy of the final decision made by the city or county on the claimant's land use application indicating that the city or county applied the challenged land use regulation as a criterion as part of its final decision.~~

~~(d) A claim shall not be considered complete for purposes of subsections (4) and (6) of ORS 197.352 until the claimant has submitted the information required by this section.~~

#### 2.21.040 Review of Claim by Chief Operating Officer and Recommendation

~~(a) The COO shall review the claim to ensure that it provides the information required by Section 2.21.030. If the COO determines that the claim is incomplete, the COO shall, within 15 business days after the filing of the claim, provide written notice of the incompleteness to the claimant. If the COO does not notify the owner~~

~~that the claim is incomplete within the prescribed 15 days, the claim shall be considered complete on the date it was filed with the COO.~~

~~(b) The COO shall conduct a preliminary review of a claim to determine whether it satisfies all of the following prerequisites for full evaluation of the claim:~~

~~(1) The property lies within Metro's jurisdictional boundary;~~

~~(2) The land use regulation that is the basis for the claim is a provision of a functional plan or was adopted by a city or county to comply with a functional plan; and~~

~~(3) The claimant acquired an interest in the property before the effective date of the land use regulation and has continued to have an interest in the property since the effective date.~~

~~(c) If the claim fails to satisfy one or more of the prerequisites in subsection (b) of this section, the COO shall prepare a report to that effect and recommend to the Metro Council that it dismiss the claim as provided in Section 2.21.060(a)(1).~~

~~(d) If the claim satisfies each of the prerequisites in subsection (b) of this section, the COO shall complete the review of the claim to determine whether:~~

~~(1) The claimant owns an interest in the property and has owned an interest in the property without interruption since the effective date of the land use regulation that is the basis for the claim;~~

~~(2) City, county, regional and state land use regulations that applied to the property at the time the challenged land use regulation became applicable to, or were enforced against, the property allowed the claimant's proposed use and, if so, what criteria or conditions applied to the proposed use under the regulations;~~

~~(3) The specific, existing land use regulation that allegedly reduced the value of the property allows the proposed use and, if so, what criteria or conditions apply to the proposed use under the regulation;~~

~~(4) The specific, existing land use regulation that allegedly reduced the value of the property is exempt from claims under ORS 197.352(3); and~~

~~(5) If the specific, existing land use regulation that allegedly reduced the value of the property is not exempt under ORS 197.352(3), the regulation restricts the proposed use and the restriction has reduced the fair market value of the property. In making this determination, the COO will compare the value of the property before application or enforcement of the challenged land use regulation to the property with the value after the application or enforcement.~~

~~(c) The COO may commission an appraisal or direct other research in aid of the determination whether a claim meets the requirements of ORS 197.352, and to assist in the development of a recommendation regarding appropriate relief if the claim is found to be valid.~~

~~(f) The COO shall prepare a written report, to be posted at Metro's website, with the determinations required by subsections (b) and (d) of this section and the reasoning to support the determinations. The report shall include a recommendation to the Metro Council on the validity of the claim and, if valid, whether Metro should compensate the claimant for the reduction of value or waive the regulation. If the COO recommends compensation or waiver, the report shall recommend any conditions that should be placed upon the compensation or waiver to help achieve the purpose of this chapter and the policies of the Regional Framework Plan.~~

~~(g) The COO shall provide the report to the Council, the claimant, the city or county with land use responsibility for the property, and other persons who request a copy. If the Council adopted the regulation in order to comply with state law, the COO shall send a copy of the report to the Oregon Department of Administrative Services.~~

#### ~~2.21.050 Hearing on Claim before Metro Council~~

~~(a) The Metro Council shall hold a public hearing on a claim that satisfies the prerequisites of Section 2.21.040(b) before taking final action. The COO shall schedule the hearing for a date prior to the expiration of 180 days after the filing of a completed claim under Section 2.21.030.~~

~~(b) The COO shall provide notification of the date, time and location of the public hearing at least 20 days before the hearing to the claimant, owners and occupants of property within 500 feet of the subject property, the local government with land use planning responsibility for the property and any person who requests notification. The notification shall indicate that a copy of the COO's recommendation under Section 2.21.040 is available upon request.~~

~~2.21.060 Action on Claim by Metro Council~~

~~(a) After the public hearing, but not later than 180 days after the filing of a claim under Section 2.21.030, the Metro Council shall consider the COO's recommendation and:~~

~~(1) Determine that the claim does not qualify for compensation;~~

~~(2) Determine that the claim qualifies for compensation and provide relief in the form of compensation or enhancement of the value of the property or decide not to apply the land use regulation; or~~

~~(3) Determine that the claim qualifies for compensation and resolve to modify or remove the land use regulation.~~

~~(b) The Council shall take the action that is most consistent with the purpose of this chapter and the Regional Framework Plan.~~

~~(c) The Council shall issue an order with its decision and direct the COO to send the order to the claimant, the city or county with land use responsibility for the property, persons who participated at the hearing held under Section 2.21.050, other persons who request a copy, and the Oregon Department of Administrative Services if the Council adopted the land use regulation to comply with state law.~~

~~2.21.070 Conditions on Compensation or Waiver~~

~~(a) The Metro Council may place any conditions on its action under Section 2.21.060, including conservation easements and deed restrictions, that are appropriate to achieve the purposes of this chapter. The Council shall place a condition on a decision under Section 2.21.060(a)(2) or (3) that the decision constitutes a waiver by the claimant of any further claims against Metro under Measure 37 involving the subject property.~~

~~(b) Failure by a claimant to comply with a condition provides a basis for action to recover any compensation made or revoke any action by the Council under Section under Section 2.21.060(a)(2) or (3).~~

~~2.21.080 Fee for Processing Claim~~

~~(a) The COO may establish a fee to be paid by a person filing a claim at the time the person files the claim. The fee shall be based upon an estimate of the actual cost incurred by Metro in reviewing and processing claims. The COO may waive the fee if the claimant demonstrates that the fee would impose an undue hardship.~~

~~(b) The COO shall maintain a record of Metro's costs in reviewing and processing the claim. After final action by the Council under Section 2.21.060, the COO shall determine Metro's total cost and issue a refund to the claimant if the estimated fee exceeded the total cost or a bill for the amount by which the total cost exceeded the estimated fee.~~

## CHAPTER 2.21

### CLAIMS UNDER ORS 197.352 (BALLOT MEASURE 49)

SECTIONS	TITLE
2.21.010	Purpose
2.21.020	Definitions
2.21.030	Filing an Amended Claim
2.21.040	Review of Amended Claim by Chief Operating Officer
2.21.050	Filing a New Claim
2.21.060	Review of New Claim by Chief Operating Officer
2.21.070	Hearing before Metro Council
2.21.080	Fee for Processing Claim

#### 2.21.010 Purpose

This chapter establishes a process for treatment of claims for compensation submitted to Metro under Ballot Measure 49. Metro adopts this chapter in order to afford property owners the relief guaranteed them by ORS 197.352 and to establish a process that is fair, informative and efficient for claimants, other affected property owners and taxpayers. It is the intention of Metro to implement the statute faithfully and in concert with its other responsibilities, including its Charter mandate to protect the environment and livability of the region for current and future generations.

#### 2.21.020 Definitions

(a) "Appraisal" means a written statement prepared by a person certified under ORS chapter 674 or a person registered under ORS chapter 308 that complies with the Uniform Standards of Professional Appraisal Practice, as authorized by the Financial Institution Reform, Recovery and Enforcement Act of 1989.

(b) "Department" means the Oregon Department of Land Conservation and Development.

(c) "Land use regulation" means a provision of a Metro functional plan that restricts the residential use of private real property.

(d) "Owner" means:

- (1) The owner of fee title to the property as shown in the deed records of the county where the property is located;
- (2) The purchaser under a land sale contract, if there is a recorded land sale contract in force for the property; or
- (3) If the property is owned by the trustee of a revocable trust, the settler of a revocable trust, except that when the trust becomes irrevocable only the trustee is the owner.

(e) "Reduction in value" means a decrease in fair market value of the property from the date that is one year before the enactment of the land use regulation to the date that is one year after enactment, plus interest, adjusted by any ad valorem property taxes not paid as a result of any special assessment of the property under ORS 308A.050 to 308A.128, 321.257 to 321.390, 321.754 or 321.805 to 321.855, plus interest, offset by any severance taxes paid by the claimant and by any recapture of potential additional tax liability that the claimant has paid or will pay for the property if the property is disqualified from special assessment under ORS 308A.703.

(f) "Waiver" means action by the Metro Council to modify, remove or not apply one or more land use regulations found to have caused a reduction in value.

#### 2.21.030 Filing an Amended Claim

(a) A person may amend a claim that was filed with Metro on or before June 28, 2007.

(b) To qualify for compensation or waiver, a person filing an amended claim under this section must establish that:

- (1) The claimant is an owner of the property;
- (2) All owners of the property have consented in writing to the filing of the claim;
- (3) The property is located, in whole or in part, within the regional UGB;
- (4) On the claimant's acquisition date, the claimant lawfully was permitted to establish at least the number of dwellings on the property that are authorized under Ballot Measure 49;
- (5) The property is zoned for residential use;



- (6) A land use regulation prohibits the establishment of a single-family dwelling;
- (7) The establishment of a single-family dwelling is not prohibited by a land use regulation described in ORS 197.352(3);
- (8) The land use regulation described in paragraph (6) of this section was enacted after the date the property, or any portion of it, was brought into the UGB;
- (9) The land use regulation described in paragraph (6) of this section was enacted after the date the property, or any portion of it, was included within the jurisdictional boundary of Metro;
- (10) The enactment of the land use regulation caused a reduction in the fair market value of the property; and
- (11) The highest and best use of the property was residential use at the time the land use regulation was enacted.

(c) A person filing an amended claim under this section must submit the following information:

- (1) The name, street address and telephone number of the claimant and all other persons and entities with an interest in the property;
- (2) A title report issued no more than 30 days prior to submission of the claim that shows the claimant's current real property interest in the property, the deed registry of the instrument by which the claimant acquired the property, the location and street address and township, range, section and tax lot number(s) of the property, and the date on which the owner acquired the property interest;
- (3) A written statement signed by all owners of the property, or any interest in the property, consenting to the filing of the claim;
- (4) A reference to any and all specific, existing land use regulations the claimant believes reduced the value of the property and a description of the manner in which the regulation restricts the use of the property;
- (5) A copy of the city or county land use regulations that applied to the property at the time the challenged

land use regulations became applicable to, or were enforced against, the property;

- (6) An appraisal showing the fair market value of the property one year before the enactment of the land use regulation and one year after enactment, and expressly determining the highest and best use of the property at the time the land use regulation was enacted;
- (7) A description of the claimant's proposed use of the property if the Council chooses to waive a land use regulation instead of paying compensation;
- (8) If the property is or has been enrolled in one or more of the special assessment programs listed in 2.21.020(e), information regarding taxes not paid as a result of the program or programs; and
- (9) A statement whether the claimant filed a claim with other public entities on or before June 28, 2007, involving the same property and a copy of any decision made by the entity on the claim.

(d) The Chief Operating Officer shall notify all claimants who filed claims on or before June 28, 2007, and whose claims were not decided by the Metro Council prior to January 1, 2008, that they may amend their claims under this section and shall provide a form for amended claims. A claimant must submit an amended claim under this section to the Chief Operating Officer within 120 days after the date of notice under this paragraph or the claimant is not entitled to compensation or waiver.

#### 2.21.040 Review of Amended Claim by Chief Operating Officer

(a) The Chief Operating Officer (COO) shall review a claim filed under 2.21.030 to ensure that it provides the information required by Section 2.21.030(c). If the COO determines that the claim is incomplete, the COO shall, within 15 business days after the filing of the claim, provide written notice of the incompleteness to the claimant. If the COO does not notify the owner that the claim is incomplete within the prescribed 15 days, the claim shall be considered complete on the date it was filed with the COO.

(b) The COO shall review the claim for compliance with the requirements of 2.21.030(b) and prepare a tentative determination of compliance not later than 120 days after the filing of a complete claim. The COO shall provide written notice to the claimant, the department, the city or county with land use authority over the claim property and owners of property within 100 feet of the claim property

of the tentative determination as to whether the claimant qualifies for compensation or waiver and, if qualified for waiver, the specific number of single-family dwellings Metro proposes to authorize. The written notice shall inform recipients they have 15 days to submit evidence or argument to the COO in response to the tentative determination.

#### 2.21.050 Filing a New Claim

(a) A person may file a claim after June 28, 2007, and will qualify for compensation or waiver, if:

- (1) The claimant is an owner of the property and all owners of the property have consented in writing to filing of the claim;
- (2) The claimant's desired use of the property is a residential use;
- (3) The claimant's desired use of the property is restricted by a land use regulation enacted after January 1, 2007;
- (4) The enactment of the land use regulation has reduced the fair market value of the property; and
- (5) The highest and best use of the property was residential use at the time the land use regulation was enacted.

(b) A person filing a claim under this section must submit the fee for processing the claim prescribed by the Chief Operating Officer and the following information:

- (1) The name, street address and telephone number of the claimant and all other owners of the property;
- (2) A title report issued no more than 30 days prior to submission of the claim that shows the claimant's current real property interest in the property; the deed registry of the instrument by which the claimant acquired the property; the location and street address and township, range, section and tax lot number(s) of the property; the date on which the owner acquired the property interest; and any exceptions and encumbrances to title;
- (3) A written statement signed by all owners of the property consenting to the filing of the claim;

- (4) A citation to the land use regulation the claimant believes is restricting the claimant's desired use that is adequate to allow Metro to identify the specific land use regulation that is the basis for the claim;
- (5) A description of the specific use of the property that the claimant desires to carry out, but cannot because of the land use regulations;
- (6) An appraisal showing the fair market value of the property one year before the enactment of the land use regulation and one year after enactment, and expressly determining the highest and best use of the property at the time the land use regulation was enacted;
- (7) If the property is or has been enrolled in one or more of the special assessment programs listed in 2.21.020(e), information regarding taxes not paid as a result of the program or programs; and
- (8) A statement whether the claimant filed a claim with other public entities on or before June 28, 2007, involving the same property and a copy of any decision made by the entity on the claim.

(c) A person filing a claim under this section must file the claim within five years after the land use regulation was enacted.

#### 2.21.060 Review of New Claim by Chief Operating Officer

(a) The Chief Operating Officer (COO) shall review the claim to ensure that it provides the information required by 2.21.050(b). If the COO determines that the claim is incomplete, the COO shall, within 60 days after the filing of the claim, provide written notice of the incompleteness to the claimant. If the COO does not notify the owner that the claim is incomplete within the prescribed 60 days, the claim shall be considered complete on the date it was filed with the COO.

(b) A claim filed under this section shall not be considered complete until the claimant has submitted the information required by this section. If the claimant fails to submit a complete claim within 60 days after the notice prescribed in subsection (a), the claim shall be deemed withdrawn.

(c) The COO shall conduct a preliminary review of a claim to determine whether it satisfies all of the following prerequisites for full evaluation of the claim:

- (1) The property lies within Metro's jurisdictional boundary;

- (2) The land use regulation that is the basis for the claim is a provision of a functional plan or was adopted by a city or county to comply with a functional plan; and
- (3) The claimant acquired an interest in the property before the effective date of the land use regulation and has continued to have an interest in the property since the effective date.

(d) If the claim fails to satisfy one or more of the prerequisites in subsection (c) of this section, the COO shall prepare a report to that effect and recommend to the Metro Council that it dismiss the claim following a public hearing under 2.21.070.

(e) If the claim satisfies each of the prerequisites in subsection (c) of this section, the COO shall complete the review of the claim to determine whether it satisfied the criteria in Section 2.21.050(a).

(f) The COO may commission an appraisal or direct other research in aid of the determination whether a claim meets the requirements of ORS 197.352 and to assist in the development of a recommendation regarding appropriate relief for a valid claim.

(g) The COO shall prepare a written report, to be posted at Metro's website, with the determinations required by subsection (e) of this section and the reasoning to support the determination. The report shall include a recommendation to the Metro Council on the validity of the claim and, if valid, whether Metro should compensate the claimant for the reduction of value or waive the regulation. If the COO recommends compensation or waiver, the report shall recommend any conditions that should be placed upon the compensation or waiver to help achieve the purpose of this chapter and the policies of the Regional Framework Plan. If the COO recommends waiver, the report shall recommend the specific number of single-family dwellings Metro should authorize to offset the reduction in fair market value of the property.

(g) The COO shall provide the report to the Council, the claimant, the city or county with land use responsibility for the property, and other persons who request a copy. If the Council adopted the regulation in order to comply with state law, the COO shall send a copy of the report to the Oregon Department of Administrative Services.

#### 2.21.070 Hearing before Metro Council

(a) The Metro Council shall hold a public hearing on a claim prior to its final determination. The COO shall schedule the hearing for a date prior to the expiration of 180 days after the filing of a completed claim.

(b) The COO shall provide notice of the date, time and location of the public hearing at least 30 days before the hearing to the claimant and owners of the subject property, owners and occupants of property within 100 feet of the subject property, the local government with land use planning responsibility for the property and the department. The notice shall indicate that:

- (1) A copy of the COO's recommendation is available upon request;
- (2) Judicial review of Metro's final determination is limited to the written evidence and arguments submitted to Metro prior to or at the public hearing; and
- (3) Judicial review is available only for issues that are raised with sufficient specificity to afford Metro an opportunity to respond in its final determination.

(c) After the close of the public hearing the Metro Council shall make its final determination on the claim and enter an order with findings of fact and conclusions of law, based upon the record made before Metro, that explain the determination. The COO shall mail a copy of the final determination to the claimant, the county in which the subject property lies and any person who submitted written or oral testimony prior to the close of the public hearing.

#### 2.21.080 Fee for Processing Claim

(a) The COO may establish a fee to be paid by a person filing a new claim under 2.21.050 at the time the person files the claim. The fee shall be based upon an estimate of the actual cost incurred by Metro in reviewing and processing the claim. The COO may waive the fee if the claimant demonstrates that the fee would impose an undue hardship.

(b) The COO shall maintain a record of Metro's costs in reviewing and processing the claim. After the final determination by the Council under Section 2.21.060, the COO shall determine Metro's total cost and issue a refund to the claimant if the estimated fee exceeded the total cost or a bill for the amount by which the total cost exceeded the estimated fee.

**Exhibit B to Ordinance No. 07-1168**  
**Findings of Fact and Conclusions of Law**

Ballot Measure 49 requires Metro, under specified circumstances, to provide relief to a property owner whose property is reduced in value as the result of a Metro land use regulation. If Metro concludes that a claim brought against it entitles the claimant to relief under the measure, Metro must make a choice: compensate for the reduction in value or modify, repeal or not apply the land use regulation that caused the reduction in value.

The Metro Council adopted a claims process by Ordinance No. 05-1087A, For the Purpose of Adopting a Process for Treatment of Claims Against Metro Under Ballot Measure 37 by adding Chapter 2.21 to Title 11 of the Metro Code on December 21, 2005, to implement Ballot Measure 37. The process provides a way for Metro to determine whether a claim against Metro is valid, and whether the specific circumstances require Metro to provide relief under the measure. Metro codified its claims process in Metro Code Chapter 2.21.

Ordinance No. 07-1168 amends the claims process in Chapter 2.21 to conform it to Measure 49, which modified Measure 37.

If Metro chooses to compensate a property owner for a reduction in value, there is no “land use decision” to which the policies in Metro’s Regional Framework Plan (“RFP”) or state planning law other than Measure 48 would apply. If Metro chooses to waive a land use regulation that caused a reduction in value, Metro will have to demonstrate at the time it adopts an ordinance to modify or repeal the regulation that its action is consistent with the RFP and state planning laws. This ordinance, therefore, is not a “land use decision” as defined in ORS chapter 197 and is not subject to the statewide planning goals.

If Metro chooses not to apply the land use regulation to the claimant’s property under this amended process, Metro may be authorizing a use that does not comply with the RFP or with state planning laws. Measure 49, however, expressly authorizes Metro to take that action, RFP and state planning laws notwithstanding. In short, if there are no funds for compensation, Metro must take action to allow a use that may violate the RFP and state planning laws if Metro is presented with a valid claim that meets the requirements of the measure.

In conclusion, Ordinance No. 07-1168 is consistent with the RFP and state planning laws.

## STAFF REPORT

### IN CONSIDERATION OF ORDINANCE NO. 07-1168, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 2.21 (CLAIMS UNDER ORS 197.352) TO IMPLEMENT BALLOT MEASURE 49, AND DECLARING AN EMERGENCY

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Date: October 30, 2007

Prepared by: Richard Benner

## BACKGROUND

Voters of Oregon enacted Ballot Measure 49 on November 6, 2007. Measure 49 amended Ballot Measure 37 in significant ways. Much of Metro's claims process (Code Chapter 2.21) does not conform to the amendments. This ordinance is intended to bring Metro's claims process into conformance with Measure 49.

Measure 49 becomes effective 30 days after the election, or December 6, 2007. On or after this date, people can file claims with Metro under Measure 49. This ordinance would contain an emergency clause making it effective on December 6, 2007, the first date a person could file a claim under the measure.

## ANALYSIS/INFORMATION

1. **Known Opposition:** at the time this staff report was written, there was no known opposition.
2. **Legal Antecedents :** ORS 197.352 (Ballot Measure 37); Metro Code Chapter 2.21; and Ballot Measure 49, amending ORS 197.352.
3. **Anticipated Effects:** the amendments will bring Metro's claims process into line with newly-enacted Ballot Measure 49 and prepare Metro to deal with expected claims under the new measure, most likely amended claims originally filed with Metro under Ballot Measure 37.
4. **Budget Impacts:** the revised claims process will not have fiscal impacts that are different in nature or magnitude from those of Measure 37. Measure 49 itself narrowed the scope of Measure 37. It is reasonable to expect fewer claims as a result.

## RECOMMENDED ACTION

The Metro Council should adopt Ordinance No. 07-1168 in order to prepare Metro for claims under Measure 49.