



**METRO**

**Agenda**

MEETING: METRO COUNCIL  
DATE: January 15, 2009  
DAY: Thursday  
TIME: 2:00 PM  
PLACE: Metro Council Chamber

**CALL TO ORDER AND ROLL CALL**

**1. INTRODUCTIONS**

**2. CITIZEN COMMUNICATIONS**

**3. OREGON CONVENTION CENTER LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) SILVER DESIGNATION** Blosser

**4. CONSENT AGENDA**

4.1 Consideration of Minutes for the December 18, 2008 Metro Council Regular Meeting.

**5. ORDINANCES – FIRST READING**

5.1 **Ordinance No. 09-1209**, Amending the FY 2008-09 Budget and Appropriations Schedule Transferring Appropriations from Contingency for the Integrated Mobility Strategy, adding 1.0 FTE Project Leader and Declaring an Emergency.

**6. ORDINANCES - SECOND READING**

6.1 **Ordinance No. 08-1204A**, For the Purpose of Determining that Implementing Transit-Oriented Development is a matter of Metropolitan Concern. Liberty

**7. RESOLUTIONS**

7.1 **Resolution No. 09-4015**, For the purpose of Reorganizing the Metro Council in 2009. Bragdon

7.2 **Resolution No. 08-3888**, For the Purpose of Approving the Tualatin Hills Parks and Recreation District's Natural Resource Management Plan as it Applies to Certain Natural Area Property Owned by Metro. Hosticka

7.3 **Resolution No. 08-4013**, For the Purpose of Endorsing the Transportation For America Position on Reauthorization of the Safe, Accountable, Flexible, Efficient, Transportation ACT: A Legacy For Users (SAFETEA-LU). Burkholder

7.4 **Resolution No. 09-4014**, For the Purpose of Authorizing an Intergovernmental Agreement with TriMet Providing the Funding Coordination for Metro’s Transit-Oriented Development and Urban Centers Program.

Liberty

**8. CHIEF OPERATING OFFICER COMMUNICATION**

**9. COUNCILOR COMMUNICATION**

**ADJOURN**

**Television schedule for January 15, 2009 Metro Council meeting**

<p><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, Jan. 15 (Live)</p>	<p><b>Portland</b>          Channel 30 (CityNet 30) – Portland Community Media  <a href="http://www.pcmtv.org">www.pcmtv.org</a> – (503) 288-1515          8:30 p.m. Sunday, Jan. 18          2 p.m. Monday, Jan. 19</p>
<p><b>Gresham</b>          Channel 30 – MCTV  <a href="http://www.mctv.org">www.mctv.org</a> – (503) 491-7636          2 p.m. Monday, Jan. 19</p>	<p><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, Jan. 17          11 p.m. Sunday, Jan. 18          6 a.m. Tuesday, Jan. 20          4 p.m. Wednesday, Jan. 21</p>
<p><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.</p>	<p><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.</p>

**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.oregonmetro.gov](http://www.oregonmetro.gov) and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

Agenda Item Number 4.1

Consideration of Minutes of the December 18, 2008 Metro Council Regular Meeting

*Consent Agenda*

Metro Council Meeting  
Thursday, January 15, 2009  
Metro Council Chamber

# MINUTES OF THE METRO COUNCIL MEETING

Thursday, December 18, 2008  
Metro Council Chamber

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

Councilors Absent:

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

## 1. INTRODUCTIONS

There were none.

## 2. CITIZEN COMMUNICATIONS

There were none.

## 3. CONSENT AGENDA

3.1 Consideration of minutes of the December 11, 2008 Regular Council Meeting.

3.2 **Resolution No. 08-3966**, For the Purpose of Approving a Settlement Agreement With Arrow Sanitary Services, Inc. Regarding Metro Notice of Violation No. NOV-196-08.

Motion: 

Councilor Liberty moved to adopt the meeting minutes of the December 11, 2008 Regular Metro Council and Resolution No. 08-3966.
---

Vote: 

Councilors Burkholder, Harrington, Liberty, Park, Collette, Hosticka and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
---

## 4. ORDINANCES – FIRST READING

4.1 **Ordinance No. 08-1204A**, For the Purpose of Determining that Implementing Transit-Oriented Development is a Matter of Metropolitan Concern.

Council President Bragdon assigned Ordinance No. 08-1204 to Council. Councilor Liberty explained the ordinance.

## 5. ORDINANCES – SECOND READING

5.1 **Ordinance No. 08-1206**, Amending the FY 2008-09 Budget and Appropriations Schedule Creating the Strategy Center, Recognizing Intergovernmental Revenue, and Providing Appropriation For the Council Office, and Declaring an Emergency.

Motion:	Councilor Park moved to adopt Ordinance No. 08-1206.
Seconded:	Councilor Harrington seconded the motion.

Councilor Park said Ordinance 08-1206 proposed three actions: the creation of the Strategy Center under the recent reorganization, recognition of new funding from Oregon Department of Transportation (ODOT) to implement the Intergovernmental Agreement (IGA) for staffing assistance to the Columbia River Crossing project, and the adjustment of appropriations where needed to implement the recent classification/compensation study for non-represented employees. For the most part, the reporting changes made as part of the Sustainable Metro Initiative reorganization will not be reflected in the budget until the following fiscal year. However, it was necessary to shift certain positions and related appropriations during this fiscal year to accommodate the creation of the Strategy Center which was effective on October 1, 2008. This amendment proposed the shift of 4 positions (3 in Planning and 1 in Regional Parks) along with associated funding and appropriation authority to the Council Office to establish the Strategy Center. Elements of the Strategy Center, which did not change funding mix or classification, will remain where they were currently budgeted until July 1<sup>st</sup>. In addition, Metro had entered into an IGA with ODOT to lend expert staff assistance to the Columbia River Crossing Project. ODOT will reimburse Metro for staff expense (salary & benefits). Oregon Budget Law allowed us to recognize this revenue during the year it is received. Finally, on October 1, 2008 Metro implemented changes arising from the non-represented employee classification & compensation study. The study was implemented on a “least cost implementation” strategy meaning only those employees whose salary fell below the minimum of the compensation range received a salary increase to be brought up to the minimum. Metro budgeted an average of 1.5% across all departments and funds to implement the study. On a Metro wide level, this average provided sufficient resources to implement the study. However, in smaller departments that have a predominance of non-represented employees like the Council Office, the average of 1.5% was insufficient. This action provided appropriation for the Council Office and a small adjustment in Public Affairs to recognize implementation of the non-rep study. Councilor Park urged support.

Council President Bragdon opened a public hearing on Ordinance No. 08-1206. No one came forward. Council President Bragdon closed the public hearing.

Vote:

Councilors Park, Burkholder, Collette, Harrington, Liberty, Hosticka and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
---

5.2 **Ordinance No. 08-1207**, For the Purpose of Annexing Lands on the North Edge of Wilsonville Road at its Intersection with Willamette Way West to the Metro Jurisdictional Boundary.

Motion:	Councilor Hosticka moved to adopt Ordinance No. 08-1207.
Seconded:	Councilor Harrington seconded the motion.

Councilor Hosticka explained the annexation to the Metro Jurisdictional Boundary. It would make this parcel contiguous with the Urban Growth Boundary. He said the majority of the property owners and residents approved the annexation. He urged approval.

Council President Bragdon opened a public hearing on Ordinance No. 08-1207. No one came forward. Council President Bragdon closed the public hearing.

Councilor Park asked about urban services being extended to this property. Lydia Neill, Sustainability Center, said she did not think it was possible. Councilor Park explained why he asked the question. Councilor Burkholder asked if we were limited in our ability to allow urban services to our facilities. Ms. Neill responded to his question. Councilor Burkholder said if they had property that they wanted to have a toilet on, we would have to have composting toilets. Ms. Neill talked about the property and the

evaluation process they went through to come to solutions. Councilor Hosticka said this ordinance dealt with changes in the Metro Jurisdictional Boundary,

Vote:

Councilors Park, Burkholder, Collette, Harrington, Liberty, Hosticka and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
---

5.3 **Ordinance No. 08-1208**, Amending the FY 2008-09 Budget and Appropriations Schedule By Transferring Appropriations From Contingency to the Office Of the Metro Attorney, Adding 0.5 FTE Legal Secretary and Declaring an Emergency.

Motion:	Councilor Park moved to adopt Ordinance No. 08-1208.
Seconded:	Councilor Collette seconded the motion.

Councilor Park said the bond measures, increased solid waste enforcement, and new planning staff have increased the work of the Office of the Metro Attorney (OMA) over the last several years. Several new attorney positions have been added, but OMA has not similarly increased administrative FTE in response to this increased workload. Currently attorneys without support of a legal secretary are performing this work themselves, at a much higher cost per hour to Metro. In 2006 a 0.5 FTE Legal Secretary left Metro and the position was never filled. Then in fall 2008 another 0.5 FTE Legal Secretary left Metro. To date that position has not been refilled in hopes that it could be filled at a full 1.0 FTE. He urged support.

Council President Bragdon opened a public hearing on Ordinance No. 08-1208. No one came forward. Council President Bragdon closed the public hearing.

Vote:

Councilors Park, Burkholder, Collette, Harrington, Liberty, Hosticka and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
---

## 6. RESOLUTIONS

6.1 **Resolution No. 08-4003**, For the Purpose of Endorsing Final Regional Priorities for 2009 State Transportation Funding Legislation.

Motion:	Councilor Burkholder moved to adopt Resolution No. 08-4003.
Seconded:	Councilor Liberty seconded the motion

Councilor Burkholder said this resolution endorsed the final regional priorities for state transportation funding. He noted that Joint Policy Advisory Committee on Transportation (JPACT) endorsed this resolution. He summarized the staff report which provided a detailed summary of the package. Councilor Liberty called the public's attention to part of the package which supported taking care of our existing assets. He noted some of the other policies included in the resolution. Councilor Harrington said for the benefit of the public, it was unlikely we would receive funding for all of the transportation needs of the region. Resources were few and needs were great. Councilor Park asked about the gas taxes. Councilor Burkholder said it was not in the governor's proposal. He further explained revenue issues. Councilor Park explained why he asked the question and noted that we were just trying to maintain what we had.

Randy Tucker, Strategy Center, talked about indexing research. It would raise a lot of money. JPACT elected to support indexing but remained supportive of a total package with a variety funding

mechanisms. At the legislature there had been hesitancy to adopt indexing. Councilor Hosticka asked about the regional policy advisory group. Councilor Burkholder explained the work group. Councilor Burkholder said this would provide direction to Mr. Tucker as he assisted Metro in its lobbying efforts. He noted those who had been involved in the process.

Vote:

Councilors Park, Burkholder, Collette, Harrington, Liberty, Hosticka and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
---

6.2 **Resolution No. 08-4006**, For the Purpose of Terminating the Designated Facility Agreement Entered Into Between Metro and Roosevelt Regional Landfill Facility.

Motion:	Councilor Park moved to adopt Resolution No. 08-4006.
Seconded:	Councilor Collette seconded the motion

Councilor Park said the first two resolutions were the first of 4 resolutions that will formally terminate Designated Facility Agreements between Metro and landfills. Each facility has an opportunity to be heard at today's meeting of the Metro Council – which was why these were not on the consent agenda. In the case of the first 3 resolutions, the DFAs were being terminated because new agreements had been executed. The new agreements became effective January 1, 2009 and were effective for five years. Resolution No. 08-4006 will terminate the DFA with Roosevelt Landfill. Roosevelt was located in Klickitat County, Washington and was owned by Allied Waste Services. Resolution No. 08-4007 will terminate the DFA with Columbia Ridge Landfill. Columbia Ridge was located in Gilliam County and was owned by Waste Management of Oregon. Metro staff was available if there are any questions. Councilor Park urged an aye vote.

Vote:

Councilors Park, Burkholder, Collette, Harrington, Liberty, Hosticka and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
---

6.3 **Resolution No. 08-4007**, For the Purpose of Terminating the Designated Facility Agreement Entered Into Between Metro and Columbia Ridge Landfill.

Motion:	Councilor Park moved to adopt Resolution No. 08-4007.
Seconded:	Councilor Harrington seconded the motion

Councilor Park urged support.

Vote:

Councilors Park, Burkholder, Collette, Harrington, Liberty, Hosticka and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
---

6.4 **Resolution No. 08-4008**, For the Purpose of Terminating the Designated Facility Agreement Entered Into Between Metro and Hillsboro Landfill.

Motion:	Councilor Harrington moved to adopt Resolution No. 08-4008.
Seconded:	Councilor Hosticka seconded the motion

Councilor Harrington said like the last two resolutions, Resolution No. 08-4008 will formally terminate a Designated Facility Agreement (DFA) between Metro and the Hillsboro Landfill. The facility has an

opportunity to be heard at today's meeting of the Metro Council – which was why this was not on the consent agenda. Just like the first two resolutions, the DFA with Hillsboro Landfill was being terminated because a new agreement with Metro had already been executed. The new agreement became effective January 1, 2009 and was effective for 5 years. Specifically, Resolution No. 08-4008 will terminate the DFA with Hillsboro Landfill. Hillsboro was located in Washington County and was owned by Waste Management of Oregon. Metro staff was available if there were any questions. She urged support. Councilor Burkholder asked about the future DFAs. Michelle Bellia, Senior Attorney said the new DFA had a termination date where the previous ones did not.

Vote:

Councilors Park, Burkholder, Collette, Harrington, Liberty, Hosticka and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
---

**6.5 Resolution No. 08-4009, For the Purpose of Terminating the Designated Facility Agreement Entered Into Between Metro and Lakeside Reclamation.**

Motion:	Councilor Hosticka moved to adopt Resolution No. 08-4009.
Seconded:	Councilor Harrington seconded the motion

Councilor Hosticka said like the last three resolutions, Resolution No. 08-4009 will formally terminate a Designated Facility Agreement (DFA) between Metro and the Lakeside Landfill.

Lakeside has an opportunity to be heard at today's meeting of the Metro Council – which was why this was not on the consent agenda. The facility was so notified of this opportunity on December 8th. Unlike the first three resolutions, the DFA with the Lakeside Landfill was being terminated because Metro and the landfill were unable to reach an agreement. Therefore, adoption of this resolution will terminate the agreement at the end of the year in compliance with the Metro Code.

Specifically, Resolution No. 08-4008 will terminate the DFA with Lakeside Landfill. Lakeside was located in Washington County and was owned by Howard Grabhorn. Metro staff was available if there are any questions. Councilor Hosticka urged support of Resolution No. 08-4009.

Council President Bragdon opened a public hearing on Resolution No. 08-4009.

Skip McKallip, Sussman Shank, 1000 SW Broadway Suite 1400 Portland OR 97205 representing Grabhorn Inc summarized the letter he sent on December 12, 2008 (a copy of which is included in the meeting record). He requested the Council table the resolution before them. Councilor Liberty asked what would happen if the variance was not granted. Mr. McKallip said he would expect they would file an appeal.

Council President Bragdon closed the public hearing.

Councilor Hosticka asked about the impact of tabling the resolution and how long would the process take for the hearing's officer to determine the variance request. Ms. Bellia said it would grant the variance. Alison Kean Campbell, Deputy Metro Attorney, said they would not be prejudging the decision of the variance but this DFA needed to be terminated by the end of the year. Ms. Bellia said there was no legal reason to delay action. She explained the contested case hearing procedures. Councilor Collette asked if this DFA needed to be cancelled by December 31, 2008. Ms. Bellia explained the Metro Code requirements and the procedures for termination.



Vote: 

Councilors Park, Burkholder, Collette, Harrington, Liberty, Hosticka and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
---

6.6 **Resolution No. 08-4012**, Authorizing Sale of \$5 million of General Obligation Bonds to Protect Animal Health and Safety, Conserve and Recycle Water.

Motion:	Councilor Liberty moved to adopt Resolution No. 08-4012.
Seconded:	Councilor Collette seconded the motion

Councilor Liberty said because Metro has issued no other debt in calendar year 2008, we were able to make a bank-qualified financing to issue \$5 million in general obligation bonds at very favorable terms and reasonable issuance costs. This allowed the Zoo to begin serious planning for the construction projects identified in the bond to protect animal health and safety and conserve and recycle water. Internal Revenue Service (IRS) rules related to maintaining tax exempt debt required that Metro place at least 5% of the value under obligation within six months of issuance – for example hiring of staff or award of contracts – and that 85% be extended within three years. For this reason, Metro was electing to issue only \$5 million at this time. It was sufficient to begin the planning work necessary to negotiate and secure land use and construction permits without risking any tax exempt conditions. Further it left Metro opportunity to issue additional debt against the bond in 2009, if needed. Finally, the terms available for this issue were sufficiently favorable that they matched internal borrowing. Competitive proposals for this offering have resulted in 2.12% interest rate with a 2.22% all-in true interest cost, subject to Council approval to authorize the \$5 million debt. Metro would be able to levy property taxes to repay the debt in FY 2009-10, leaving its internal borrowing capacity available for other Metro projects, should the Council find this necessary and desirable. Councilor Liberty urged support.

Councilor Hosticka asked why they chose \$5 million. Councilor Liberty explained the figure. Council President Bragdon said the Zoo was gearing up to hire a project manager to oversee the construction efforts. Councilor Burkholder explained the project. Councilor Liberty thanked staff for pursuing the low interest rate.

Vote: 

Councilors Park, Burkholder, Collette, Harrington, Liberty, Hosticka and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
---

6.7 Removed from agenda.

6.8 **Resolution No. 08-4011**, For the Purpose of Entering Metro Council’s Proclamation of the Results of the November 4, 2008 General Election Into the Council Records.

Motion:	Councilor Liberty moved to adopt Resolution No. 08-4013.
Seconded:	Councilor Park seconded the motion

Councilor Liberty said under election requirements, Metro Council was required to approve the election results. He urged support.

Vote: 

Councilors Park, Burkholder, Collette, Harrington, Liberty, Hosticka and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
---

6.9 Removed from agenda.

## **7. CHIEF OPERATING OFFICER (COO) COMMUNICATION**

Michael Jordan, COO, reminded the Council about the office luncheon. Second, there had been a flurry of discussion about the headquarters hotel. They had had a number of meetings with fellow public agencies. There was a deadline in the development agreement of this week. During the discussions, it had become evident for the need for an extension. They were recommending a four month extension. They had asked their partners to acknowledge necessary interim actions.

Councilor Park said the project itself was very complicated and given the strained economy, it was necessary to take the time. He talked about partner negotiations. The project itself was a positive but getting there was very difficult. Councilor Hosticka said there was uncertainty in the bond market. He asked them to clarify the difference in the bonds for the Zoo versus financing package for the headquarters hotel. Mr. Jordan explained the differences.

## **8. COUNCILOR COMMUNICATION**

Councilor Burkholder said there will be a special meeting of JPACT on January 8<sup>th</sup> to discuss federal legislation.

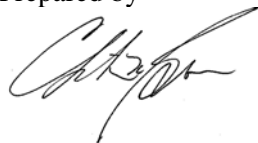
Council President Bragdon talked about Columbia River Crossing and conditions to move forward. He said in his judgment the presentation for independent review met the letter of the law but didn't really meet the concerns of the Metro Council. He talked about questions that the Metro Council and citizens needed answers to that were not included in the presentation. He said there were a couple of questions having to do with the number of lanes. He explained his concerns and next steps. He said they were going to have a joint work session with the Portland City Council on January 25<sup>th</sup> or 26<sup>th</sup>. Councilor Liberty said on the analysis of land use, he had already had calls so there was interest generated. This Council passed a resolution this summer indicating that they wanted to have Demand Management for this project. Not all entities agreed with this. Council President Bragdon said the tolling and demand management was related to physical capacity. Councilor Hosticka said he thought it would help to have a question posed to them that could be answered unambiguously. Councilor Collette asked whether this peer review panel was the same as the independent analysis to help meeting green house gas and VMT. Councilors continued to talk about what additional information they needed.

Council President Bragdon said they would have a swearing in ceremony on January 8<sup>th</sup> at the Oregon Zoo at 4:00 p.m. There would be entertainment.

## **9. ADJOURN**

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 3:25 p.m.

Prepared by



Chris Billington  
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF  
DECEMBER 18, 2008**

<b>Item</b>	<b>Topic</b>	<b>Doc. Date</b>	<b>Document Description</b>	<b>Doc. Number</b>
3.1	Minutes	12/11/08	Metro Council Meeting Minutes of December 11, 2008	121808c-01
4.1	"A" version	12/18/08	<b>Ordinance No. 08-1204A</b> , For the Purpose of Determining that Implementing Transit-Oriented Development is a matter of Metropolitan Concern.	121808c-02
6.5	Letter	12/12/08	To: Metro Council From: George McKallip Jr, Sussman Shank LLP Re: Objection to Termination of Grabhorn's DFA	121808c-03

Agenda Item Number 5.1

**Ordinance No. 09-1209**, Amending the FY 2008-09 Budget and Appropriations Schedule Transferring Appropriations from Contingency for the Integrated Mobility Strategy, adding 1.0 FTE Project Leader and Declaring an Emergency.

*First Reading*

Metro Council Meeting  
Thursday, January 15, 2009  
Metro Council Chamber

BEFORE THE METRO COUNCIL

AMENDING THE FY 2008-09 BUDGET AND ) ORDINANCE NO. 09-1209  
APPROPRIATIONS SCHEDULE )  
TRANSFERRING APPROPRIATIONS FROM ) Introduced by Michael Jordan, Chief  
CONTINGENCY FOR THE INTEGRATED ) Operating Officer, with the concurrence of  
MOBILITY STRATEGY, ADDING 1.0 FTE ) Council President David Bragdon  
PROJECT LEADER AND DECLARING AN )  
EMERGENCY )

WHEREAS, the Metro Council has reviewed and considered the need to increase appropriations within the FY 2008-09 Budget; and

WHEREAS, the need for the increase of appropriation has been justified; and

WHEREAS, adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

- 1. That the FY 2008-09 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of amending the General Fund and adding 1.0 FTE Project Leader for the Integrated Mobility Strategy.
- 2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

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

Attest:

Approved as to Form:

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

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

**Exhibit A**  
**Ordinance No. 09-1209**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>General Fund</b>							
<b>Planning</b>							
<i>Personal Services</i>							
<i>SALWGE Salaries &amp; Wages</i>							
5010	Reg Employees-Full Time-Exempt						
	Administrative Specialist IV	1.25	55,366	-	0	1.25	55,366
	Assistant Regional Planner	1.00	54,465	-	0	1.00	54,465
	Assistant Transportation Planner	1.00	48,991	-	0	1.00	48,991
	Associate GIS Specialist	4.00	258,009	-	0	4.00	258,009
	Associate Regional Planner	3.00	168,353	-	0	3.00	168,353
	Associate Transportation Modeler	5.00	274,708	-	0	5.00	274,708
	Associate Trans. Planner	3.00	170,219	-	0	3.00	170,219
	Director II	0.25	35,125	-	0	0.25	35,125
	Manager I	4.00	369,024	-	0	4.00	369,024
	Manager II	6.00	567,920	-	0	6.00	567,920
	Principal GIS Specialist	3.00	250,858	-	0	3.00	250,858
	Principal Regional Planner	6.00	486,422	-	0	6.00	486,422
	Principal Transportation Engineer	1.00	83,619	-	0	1.00	83,619
	Principal Transportation Modeler	3.00	250,858	-	0	3.00	250,858
	Principal Transportation Planner	5.00	388,030	-	0	5.00	388,030
	Program Analyst IV	-	0	0.42	30,655	0.42	30,655
	Program Director II	2.00	227,168	-	0	2.00	227,168
	Program Supervisor I	2.00	120,707	-	0	2.00	120,707
	Program Supervisor II	3.00	220,148	-	0	3.00	220,148
	Senior GIS Specialist	2.00	125,532	-	0	2.00	125,532
	Senior Management Analyst	4.00	245,121	-	0	4.00	245,121
	Senior Public Affairs Specialist	3.25	202,683	-	0	3.25	202,683
	Senior Regional Planner	2.00	125,367	-	0	2.00	125,367
	Senior Transportation Modeler	2.00	155,521	-	0	2.00	155,521
	Senior Transportation Planner	8.00	550,073	-	0	8.00	550,073
	Transit Program Director I	1.00	115,595	-	0	1.00	115,595
	Transit Program Director II	0.25	38,607	-	0	0.25	38,607
	Transit Project Manager I	1.00	99,129	-	0	1.00	99,129
	Transit Project Manager II	1.00	98,585	-	0	1.00	98,585
5015	Reg Empl-Full Time-Non-Exempt						
	Administrative Specialist I	1.00	33,249	-	0	1.00	33,249
	Administrative Specialist II	3.00	105,487	-	0	3.00	105,487
	Administrative Specialist III	1.00	36,603	-	0	1.00	36,603
	GIS Technician	1.00	38,419	-	0	1.00	38,419
	Program Assistant 3	2.00	88,970	-	0	2.00	88,970
5020	Reg Emp-Part Time-Exempt						
	Associate GIS Specialist	0.50	31,236	-	0	0.50	31,236
	Associate Regional Planner	0.60	35,014	-	0	0.60	35,014
	Principal Regional Planner	0.80	60,694	-	0	0.80	60,694
5030	Temporary Employees		198,981		0		198,981
5080	Overtime		5,000		0		5,000
5089	Salary Adjustments						
	Merit Adjustment Pool (non-represented)		26,637		0		26,637
	Step Increases (AFSCME)		76,292		0		76,292
	COLA (represented employees)		132,388		0		132,388
	Other Adjustments (non-represented)		31,677		0		31,677
	Other Adjustments (AFSCME)		3,081		0		3,081
	Other Adjustments (Class & Comp Study)		31,677		0		31,677

**Exhibit A**  
**Ordinance No. 09-1209**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>General Fund</b>							
<b>Planning</b>							
<i>FRINGE Fringe Benefits</i>							
5100	Fringe Benefits						
	Base Fringe (variable & fixed)		2,318,901		10,365		2,329,266
5190	PERS Bond Recovery		218,855		980		219,835
<b>Total Personal Services</b>		<b>87.90</b>	<b>\$9,259,364</b>	<b>0.42</b>	<b>\$42,000</b>	<b>88.32</b>	<b>\$9,301,364</b>
<b><i>Materials &amp; Services</i></b>							
<i>GOODS Goods</i>							
5201	Office Supplies		411,735		0		411,735
5205	Operating Supplies		112,599		0		112,599
5210	Subscriptions and Dues		23,110		0		23,110
<i>SVCS Services</i>							
5240	Contracted Professional Svcs		8,065,051		17,000		8,082,051
5251	Utility Services		8,401		0		8,401
5260	Maintenance & Repair Services		85,996		0		85,996
5265	Rentals		9,500		0		9,500
5280	Other Purchased Services		490,812		0		490,812
<i>IGEXP Intergov't Expenditures</i>							
5300	Payments to Other Agencies		667,000		0		667,000
<i>INCGEX Internal Charges for Service</i>							
5400	Charges for Service		1,500		0		1,500
<i>OTHEXP Other Expenditures</i>							
5440	Program Purchases		5,101,686		0		5,101,686
5445	Grants		50,000		0		50,000
5450	Travel		111,545		0		111,545
5455	Staff Development		10,500		0		10,500
<b>Total Materials &amp; Services</b>			<b>\$15,149,435</b>		<b>\$17,000</b>		<b>\$15,166,435</b>
<b><i>Debt Service</i></b>							
<i>CAPLSE Capital Lease Payments</i>							
5605	Capital Lease Pmts-Interest		38,513		0		38,513
<b>Total Debt Service</b>			<b>\$38,513</b>		<b>\$0</b>		<b>\$38,513</b>
<b>TOTAL REQUIREMENTS</b>		<b>87.90</b>	<b>\$24,447,312</b>	<b>0.42</b>	<b>\$59,000</b>	<b>88.32</b>	<b>\$24,506,312</b>

**Exhibit A  
Ordinance No. 09-1209**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>General Fund</b>							
<b>General Expenditures</b>							
<b><u>Contingency &amp; Unappropriated Balance</u></b>							
CONT	<i>Contingency</i>						
5999	Contingency						
	* Contingency		2,803,838		0		2,803,838
	* Opportunity Account		100,000		64,500		164,500
	* Reserved for Future Planning Needs		351,000		0		351,000
	* Reserved for Future Election Costs		290,000		0		290,000
	* Reserved for Nature in Neighborhood Grants		250,000		0		250,000
	* Reserved for Reg. Afford. Housing Revolving F		1,000,000		0		1,000,000
	* Reserved for Metro Regional Center Remodel		378,000		0		378,000
	* Reserved for Diesel Retrofit matching grants		400,000		(400,000)		0
	* Recovery Rate Stabilization reserve		1,771,867		0		1,771,867
	* Reserved for Integrated Mobility Strategy posit		0		276,500		276,500
UNAPP	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance						
	* Stabilization Reserve		2,320,000		0		2,320,000
	* Reserve for Future Natural Areas Operations		1,023,070		0		1,023,070
	* PERS Reserve		2,782,174		0		2,782,174
	* Computer Replacement Reserve (Planning)		90,000		0		90,000
	* Tibbets Flower Account		201		0		201
	* Reserve for Future Debt Service		2,521,852		0		2,521,852
<b>Total Contingency &amp; Unappropriated Balance</b>			<b>\$16,082,002</b>		<b>(\$59,000)</b>		<b>\$16,023,002</b>
<b>TOTAL REQUIREMENTS</b>		<b>434.31</b>	<b>\$103,535,785</b>	<b>0.42</b>	<b>\$0</b>	<b>434.73</b>	<b>\$103,535,785</b>



**Exhibit B**  
**Ordinance 09-1209**  
**Schedule of Appropriations**

	<b><u>Current</u></b> <b><u>Appropriation</u></b>	<b><u>Revision</u></b>	<b><u>Revised</u></b> <b><u>Appropriation</u></b>
<b>GENERAL FUND</b>			
Council Office	3,109,046	0	3,109,046
Finance & Administrative Services	5,489,506	0	5,489,506
Human Resources	1,737,211	0	1,737,211
Information Technology	2,808,244	0	2,808,244
Metro Auditor	651,286	0	651,286
Office of Metro Attorney	1,997,616	0	1,997,616
Oregon Zoo	26,677,562	0	26,677,562
Planning	24,408,799	59,000	24,467,799
Public Affairs & Government Relations	1,993,617	0	1,993,617
Regional Parks & Greenspaces	8,425,902	0	8,425,902
Special Appropriations	3,538,480	0	3,538,480
Former ORS 197.352 Claims & Judgments	100	0	100
Non-Departmental			
Debt Service	1,450,486	0	1,450,486
Interfund Transfers	5,165,928	0	5,165,928
Contingency	7,344,705	(59,000)	7,285,705
Unappropriated Balance	8,737,297	0	8,737,297
<b>Total Fund Requirements</b>	<b>\$103,535,785</b>	<b>\$0</b>	<b>\$103,535,785</b>

*All other appropriations remain as previously adopted*

## STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 09-1209, FOR THE PURPOSE OF AMENDING THE FY 2008-09 BUDGET AND APPROPRIATIONS SCHEDULE TRANSFERRING APPROPRIATIONS FROM CONTINGENCY FOR THE INTEGRATED MOBILITY STRATEGY, ADDING 1.0 FTE PROJECT LEADER AND DECLARING AN EMERGENCY

---

Date: December 31, 2008

Prepared by: Mike Wetter  
Phone: 503-797-1538

### BACKGROUND

This action requests amended appropriation authority for the remainder of FY 2008-09 for the purpose of advancing an integrated mobility strategy for the Portland metropolitan region. This action would provide for a Limited Duration 1.0 FTE Program Analyst IV, for up to three years, to provide project leadership for the integrated mobility strategy (hereafter referred to as "Project Leader").

On November 20, 2008, the Blue Ribbon Committee for Trails [Res. No. 08-3936 "For the Purpose of Establishing the Blue Ribbon Committee for Trails"] submitted its final report, Attachment 1 "The case for an integrated mobility strategy" to the Metro Council. The final report outlines a four pronged strategy that aggressively increases walking and biking options in the Portland metropolitan region. The integrated mobility strategy answers the policy questions outlined in the Connecting Green: Trails project [Res. No. 08-3937 "Designating Council Projects and Designating Lead Councilors and Council Liaisons for Connecting Green Trails"] and provides the strategy to achieve the desired outcomes of the Connecting Green trails project. The integrated mobility strategy achieves objectives of the Connecting Green initiative as well as the region's transportation goals and objectives outlined in the Regional Transportation Plan.

The Project Leader will organize and lead an interagency staff team to update and implement the project strategy, provides project direction, coordinate and facilitate the work of corporate executives and elected officials participating in the project, coordinate staff teams conducting technical research and communications, and provide project management, for the following initial strategies:

1. **ORGANIZE LEADERSHIP:** For the integrated mobility strategy to be successful, strong leadership supported by a dynamic team of interagency staff will be necessary. The first element of a successful integrated mobility strategy will require that the Project Leader:
  - a. Form a Caucus of Elected Leaders and a Leadership Council of non-governmental leaders representing a wide range of industries from healthcare to tourism;
  - b. Create an Interagency Staff team. Staff from interested cities, counties, state agencies and Metro will form an interagency team to support the work of the Caucus of Elected Leaders and the Leadership Council.
  - c. Model Cross-Discipline Integration at Metro through the integration of departmental products and outcomes.
2. **DEMONSTRATE POTENTIAL:** The initiative will identify specific packages of trails, on street routes and other programs and projects and sort them into three categories: urban, suburban, and recreational greenway. The initiative will then develop a priority order for the packages, secure

federal and state funds (see point 4,e below), and begin building the projects. The first projects completed will serve to demonstrate the ultimate potential of the overall strategy.

3. **REDUCE COSTS:** Federal and state standards set up for road construction complicate the construction of off-street bicycling and walking trails and add an estimated 30% to their cost. This task will identify ways to bring these costs into line, including convening an “Oregon Solutions” style Cost Reduction Project. The Project Leader will help develop the project, secure funding, and coordinate work of project consultants and other staff.
4. **DEVELOP SYSTEM:** Integrating walking and cycling into the region’s transportation plans will be a major step forward to accomplishing integrated mobility. The project leader will:
  - a. Convene a work group to refine the guiding principles that will guide the development of the region’s bicycle and pedestrian system.
  - b. Facilitate the development of a Mobility Strategy and Integrate with Regional Transportation Plan. Inclusion in the Regional Transportation Plan qualifies projects for federal funding.
  - c. Convene a staff team to outline a broad strategy for funding the mobility strategy identifying a target amount to be raised at the local, regional, state and federal levels and suggesting sources and a time frame for these amounts.
  - d. Research the potential for a local funding source. It is likely that the funding package will require a local match from system users. This source will need to be identified and implemented.
  - e. Support strategy leadership to advocate at the state and federal level to secure federal and state funds.
  - f. Convene a work group to identify the possibility of pursuing a regional ballot measure or other source for funding.

The Blue Ribbon Committee for Trails set out an aggressive strategy to increase bicycle and pedestrian travel in the region, which creates a more efficient transportation system, reduces household costs, reduces taxpayer burden, reduces carbon emissions, contributes to more dynamic communities, and encourages physical activity and health. A limited duration 1.0 FTE Project Leader is needed to continue this work and take it to the next level of implementation. The Project Leader would be housed in the Planning and Development department in the Regional Travel Options program and report to Pam Peck. Without this dedication of resources the integrated mobility strategy will not be implemented.

Attachment 2 outlines the fiscal impact for a non-represented, limited duration Program Analyst IV. \$42,000 of the requested \$59,000 would be allocated to five months wages and fringe benefits. \$17,000 is included for materials and services, to bring the total budget impact to \$59,000.

This action requests funding from the General Fund Opportunity Account. The FY 2008-09 budget had reserved up to \$400,000 of the Opportunity Account as matching funds for the Diesel Retrofit project. However, this project has since been canceled. Ordinance 09-1209 transfers \$59,000 from the Opportunity Account contingency to fund the FY 2008-09 estimated costs of this action and sets aside in an identified reserve the estimated amount needed to fund the remaining costs of the Limited Duration position up to a maximum of three-years.

## **ANALYSIS/INFORMATION**

1. **Known Opposition:** None known.

2. **Legal Antecedents:** ORS 294.450 provides for transfers of appropriations within a fund, including transfers from contingency, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction.
3. **Anticipated Effects** This action provides the necessary resources to begin to successfully begin implementing the integrated mobility strategy.
4. **Budget Impacts:** This action transfers \$59,000 from the General Fund Opportunity Account contingency and increases appropriation in the Planning & Development department by a similar amount. In addition, it adds 1.0 FTE limited duration Program Analyst IV for a period not to exceed three-years. Finally, it sets aside in an identified reserve an amount needed to fund the remaining future year costs of the limited duration position.

### **RECOMMENDED ACTION**

The Chief Operating Officer recommends adoption of this Ordinance.



# The case for an integrated mobility strategy

WALKING AND BIKING OFFER AN IMMEDIATE OPPORTUNITY TO TACKLE KEY CHALLENGES.

Congestion, climate change, burdensome fuel costs, lack of funding to even maintain roads, concern about making sure our transportation investments build, rather than destroy, communities—these challenges make it plain to each of us in our daily lives that the times are changing.

The good news is that we can take one relatively small step that will attack every one of these problems. It won't work overnight and it won't solve everything, but it will set us on a path towards a transportation network that is truly earth and community friendly. It is a policy that brings smiles to commuters, kids and communities (as well as taxpayers!)

Our region already has a good start, with Portland the most “bike friendly” city in America. But with smart investments in a network of routes and trails for biking and walking, in ten years we can more than double the number of people who choose to walk or bike. People like us in cities around the world with climates and hills as challenging as ours have done it. Their air and water are cleaner, their communities are stronger, and they are more active and healthy as a result.

**It is time. It will work.**

“We must recognize that we are on the cusp of a new wave of transportation policy. The infrastructure challenge of President Eisenhower’s 1950s was to build out our nation and connect within. For Senator Moynihan and his colleagues in the 1980s and 1990s it was to modernize the program and better connect roads, transit, rail, air, and other modes. Today, the challenge is to take transportation out of its box in order to ensure the health, vitality, and sustainability of our metropolitan areas.”

– Robert Puentes, *Brookings Institution, A Bridge to Somewhere: Rethinking American Transportation for the 21st Century*



# Why encourage bike and pedestrian travel now?

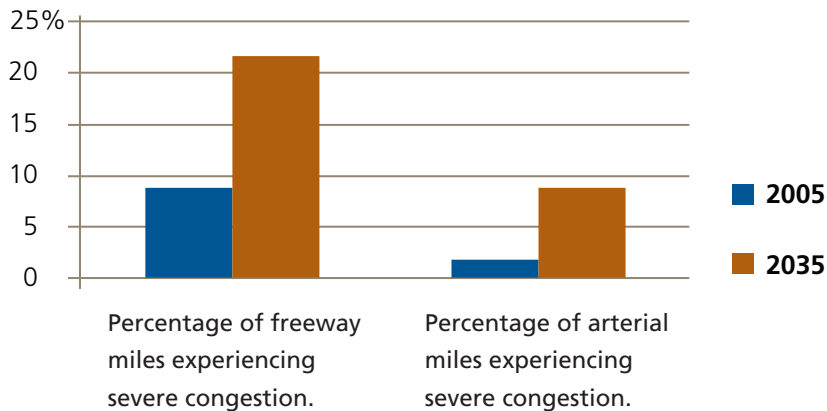
## INVESTMENT PRODUCES ENVIRONMENTAL, LIVABILITY AND FINANCIAL RETURNS

### Non-motorized travel reduces congestion

Thirty years from now, one million more people are expected to call the Portland region home. During this time, car traffic is expected to grow by nearly half, while truck traffic will more than double. The percentage of roadways experiencing severe congestion is expected to quintuple from 2% today to 10% by 2035. Increasing congestion has real economic costs. Dedicated facilities for pedestrians and cyclists frees roadways for other users.

### Projected congestion growth in Portland region

Source: [www.gasbuddy.com](http://www.gasbuddy.com)



Bicycling and walking reduce congestion by replacing cars on short trips, increasing use of public transportation and by stimulating compact, mixed use development.

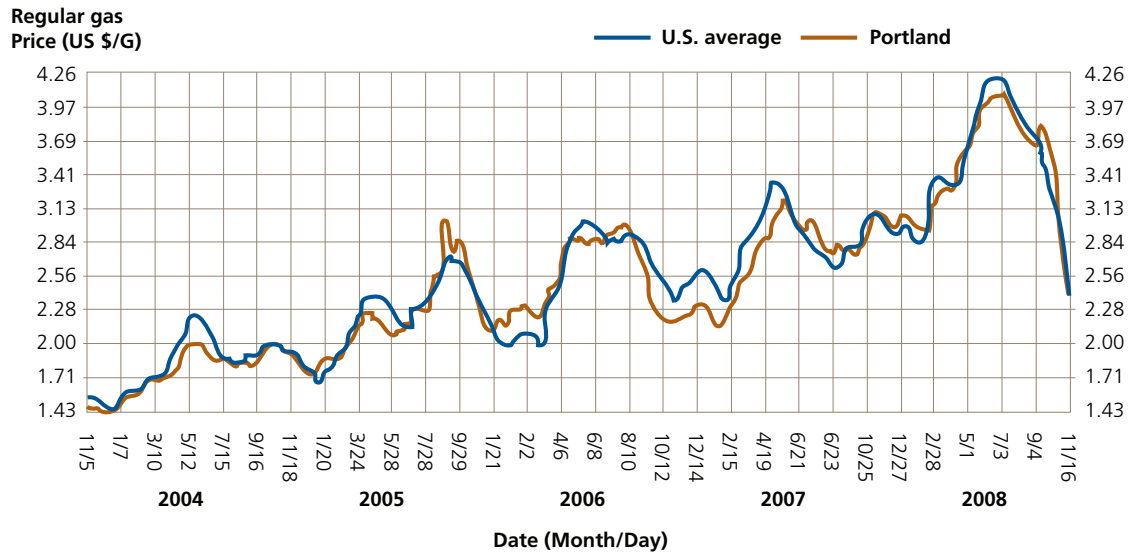
### Non-motorized travel is inexpensive

Transportation is second to housing as a proportion of household budgets and fuel costs have risen from 3% of household expenditures in 2002 to 8.5% as of June 2008, putting an increasing strain on resident's budgets. Bicycle and pedestrian infrastructure saves public dollars as well. A lane of roadway will accommodate five to ten times more pedestrian and bicycle traffic than driving and the cost of bicycling and pedestrian infrastructure is just a small fraction of that of building highways. Trails and paths can also be efficient connections to transit, reducing the need for expensive and land-gobbling park-and-ride stations.

Those households that rely on walking and cycling as their primary means of travel save an average of \$694 per month.  
– [www.gasbuddy.com](http://www.gasbuddy.com)

## 60 Month average U.S. and Oregon gas prices

Source: www.gasbuddy.com



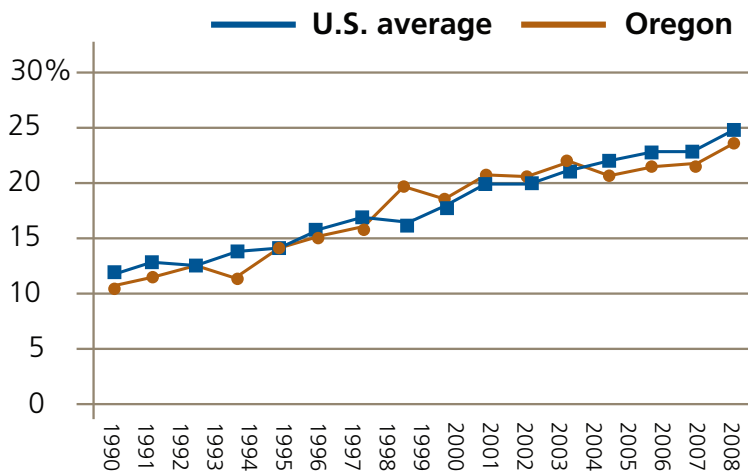
Those households living near a greenway are more likely to meet CDC health guidelines – CDC, Rails To Trails Conservancy

## Non-motorized travel improves health and reduces health care costs

Americans' lack of physical activity is leading to an increase in a variety of health conditions including hypertension, cancer, heart disease, diabetes, and obesity, which will soon eclipse tobacco as the number one preventable cause of death in the United States. Studies have shown that people living in communities with walking and cycling facilities walk and cycle more. Bicycling and walking offer a way to integrate physical activity into busy schedules, and have been demonstrated to improve these conditions as well as to contribute to emotional well-being.

## Percentage of adults who obese, Oregon and U.S. 1990-2008

Source: Oregon Department of Human Services



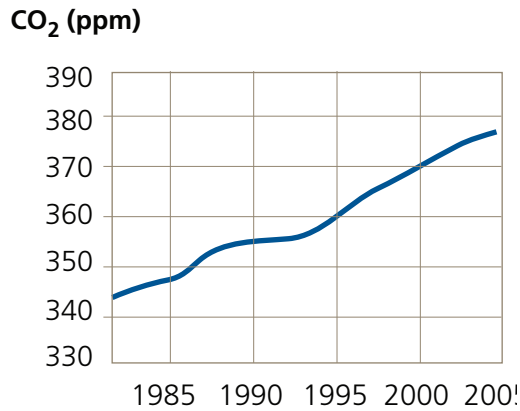


### Non-motorized travel reduces greenhouse gas emissions

Greenhouse gas emissions are causing climate change, which leads to environmental and economic disruption and threatens our health and well being. The transportation sector is responsible for 38% of greenhouse gas emissions. Any strategy to address climate change requires reducing energy consumption in this sector. Bicycle and pedestrian transportation must be a key element in our region's strategy to increase the share of total trips made by bicycle and by foot. The Rails To Trails Conservancy estimates that bicycling and pedestrian travel can offset between 3 percent and 8 percent of greenhouse gas emissions of US cars and trucks.

### Globally averaged CO2 1985 - 2005

Source: World Meteorological Organization



Every 1% increase in miles traveled by bicycle or on foot instead of by car reduces our region's greenhouse gas emissions by 0.4%

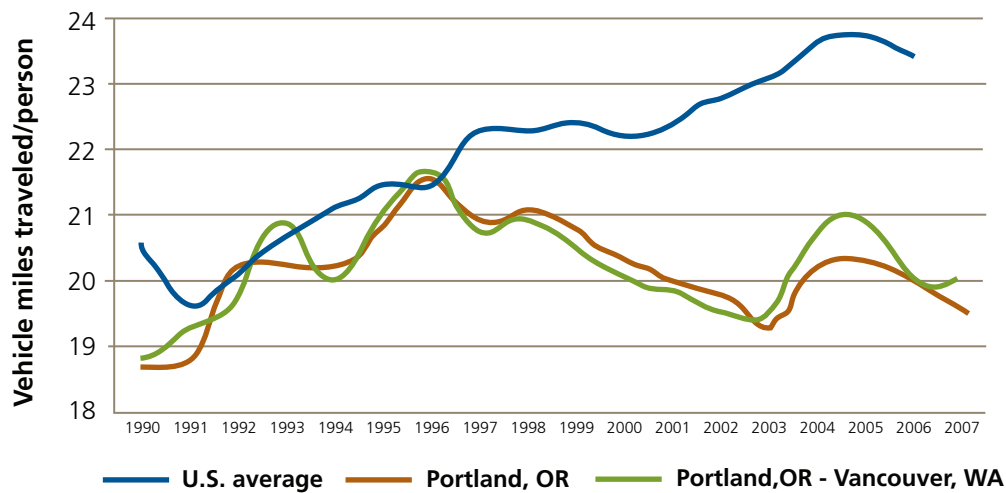


### Non-motorized travel fosters dynamic, mixed-use communities

Non-motorized travel encourages a diverse mix of housing, shopping, restaurants, workplaces and recreation in convenient proximity. Residents that walk or ride tend to patronize small businesses, buying in smaller quantities but making more frequent purchases than motorists. This pattern of commerce supports small, community-based businesses and leads to a dynamic community environment. Motorists in such communities also benefit from shorter distances between services, which leads to fewer vehicle miles traveled per person.

### Vehicle miles traveled per person 1990 - 2007

Source: FHWA, ODOT, WDOT



Motor vehicle miles traveled per person are increasing nationally. The Portland region has shown it is possible to counter this trend through compact growth and by providing transportation options.

# The special case for greenways

## GREENWAYS PROVIDE PREMIER ROUTES AND DISTINGUISH THE REGION

Some greenways connect population centers with a non-motorized, natural corridor that provides an unrivaled commute experience. Other Greenways connect the best natural gems our region has to offer and draw both residents and visitors for long recreational excursions. In either case, Greenways play a special role in the region's mobility strategy.

- Greenways are like parks. They are places for families and friends to be together and places to find solitude and connect with nature. But unlike parks, they facilitate travel through the urban area, from neighborhood to neighborhood, or from park to school, or from home to work.
- Greenways are like roads. They give us a way to get where we need to go. But unlike roads, they are built for nonmotorized travel and so they are safer, less stressful and truly enjoyable. They are places where you can experience the wind in your hair or the sun on your shoulders as you travel.
- Greenways are like public squares. They are places for community to gather and can be good locations for shops, restaurants, museums, benches, fountains or works of art. But unlike public squares they extend in either direction as gateways to additional urban and natural experiences.
- Greenways are like a local gym, except that the scenery is better and you can exercise while you get to work rather than before or after.

Greenways are a significant element of Connecting Green, a broad-based movement in the Portland region to create a system of parks, trails and natural areas that is second to none.

Greenways may pass through a park, natural area or stream corridor. The land may be newly developed, but usually it is redeveloped, having been formerly occupied by a railroad, highway, or other transportation route. Many greenways in urban centers or developed areas are linear parks. Greenways are the premier travel corridor for walking and riding because they are safe and fast, and because they offer a natural experience that is removed from the noise and frenzy of the urban environment.



# Why the Portland region?

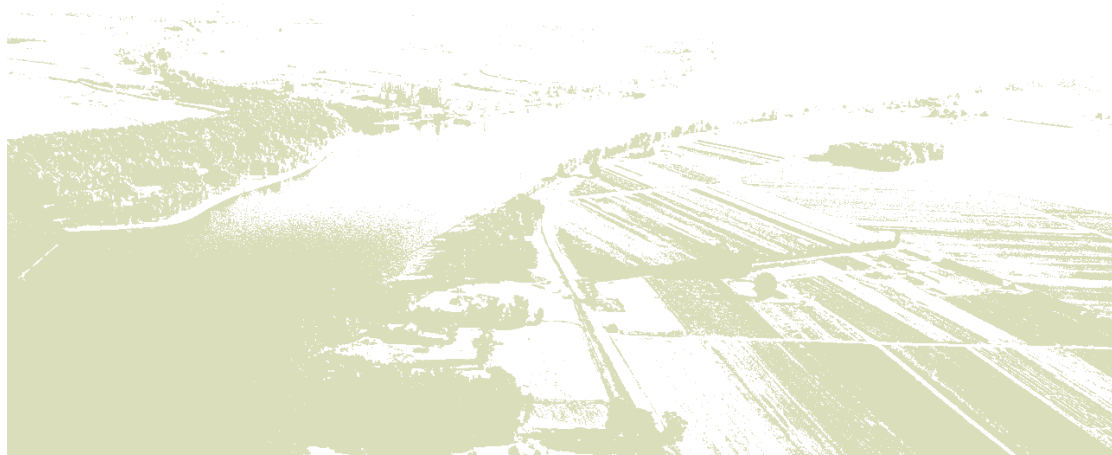
## PORTLAND IS UNIQUELY QUALIFIED TO UNDERTAKE THIS STRATEGY

---

### Residents are choosing non-motorized transportation with increased frequency

An active, outdoor-oriented culture, sustainability consciousness, and strong civic and elected leadership position the Portland Region to lead the nation in implementing a nonmotorized transportation strategy. In the city, bicycling to work increased 146% between 2000 and 2006 despite accounting for only 0.7% of the Portland Office of Transportation's capital budget. Travel by bike and foot now makes up as much as 9% of total commute trips in the city, and just under 5% in the metropolitan region as a whole. In 2008, Portland became the first major city to be designated by the League of American Bicyclists as a platinum level bicycle friendly community. The City of Beaverton has been awarded Bronze status. The region's strong transit system is a key asset that positions the Portland region to lead a bicycle and pedestrian strategy.

Finally, Metro, local governments and nonprofit groups have proposed an exemplary network of greenways that span the region and provide opportunities for connection with the region's rich natural heritage. These routes are in varying stages of development, with many in the advanced stages of planning and ready to proceed.



# Solution requires a more integrated approach to mobility

## A FOUR PRONGED STRATEGY IS NEEDED

Our nation's overwhelming emphasis on one mode of travel has created stark inefficiencies and negative side effects. A regionwide network of on-street and off-street bikeways and walkways integrated with transit and supported by educational programs would make travel by foot and bike safe, fast and enjoyable. Such a system would take walking and cycling well beyond the exclusive domain of avid cyclists and the courageous to become a practical and preferred option for average residents. This is well within reach if we achieve four things:

### 1 Organize leadership

The strategy requires public and private leadership with interagency staff support.

**Form a Caucus of Elected Leaders.** Caucus members will make a commitment to champion the strategy. Members of the caucus agree to support the strategy's themes and direction. There will also be opportunities to help support specific proposals at the local, regional, state and federal levels.

**Establish a Leadership Council.** The council will be made up of civic and business leaders that make a commitment to support the caucus of elected leaders and serve as third party validators when the caucus is presenting proposals, making presentations, or involved in campaigns for elements of the strategy.

**Create an Interagency Staff Team.** Staff from interested cities, counties, state agencies and Metro will form an interagency team to support the work of the Caucus of Elected Leaders and the Leadership Council.

**Model Cross-Discipline Integration at Metro.** Cycling and walking, and particularly off-street trails, have in the past been treated as minor transportation facilities, with a divide between park and transportation planning. This schism reduces the functionality of the region's transportation system, limits options and increases costs. The aesthetic, recreation, health and ecological objectives associated with cycling and walking, which have been the traditional responsibility of parks bureaus and associated policy-making bodies, need to be acknowledged and fully integrated with transportation and mobility objectives, which are the purview of transportation departments. Metro should model the organizational changes that are necessary to integrate bicycle and pedestrian facilities planning with planning for other modes and encourage this integration within other jurisdictions in the region.

## 2 Demonstrate potential

There is excellent work going on across the region building trails, transit and bicycle/pedestrian facilities. Plans are in place, they are coordinated through the Regional Transportation Plan (RTP) and, as a region, our accomplishments are nationally significant. However, institutional traditions marginalize the planning, funding and development of trails and other bicycling and pedestrian infrastructure, resulting in weak coordination or even competition among these facilities.

The strategy's leadership must establish recognition among elected officials and influential organizations and committees that walking and cycling are serious transportation options. Such recognition stems from a realistic understanding of the return on investment such a system could have for our communities, our economy, and the environment. Nothing substitutes for results. Strategy leadership will showcase existing results as well as champion demonstration projects that take bike and pedestrian travel to new levels. Three pilot projects are envisioned:

**Urban.** Complete a well-designed and well-connected nonmotorized transportation project within a single urban "commute shed." Partner with area businesses to provide education and encourage use. For example, develop a trail that connects a regional center with the central city and provide associated on-street feeder routes and transit connections to substantially increase bicycle and pedestrian commuting within a targeted area.

**Suburban.** Partner with TriMet and area businesses to create an integrated bicycle/transit strategy for a geographically-defined area in the suburbs. For example, develop on and off-street bicycle and walking paths that feed a transit node. Provide safe, dry bicycle parking at the transit node. Make an agreement with area businesses to encourage their employees to use the facilities. A partnership with transit is critical in the suburbs, because distances between population and employment centers can be too long for bicycle travel (greater than 30 minutes by bike), but can be well served by transit.

**Greenway.** Identify a demonstration project that would link together key natural attractions to create a unique urban/natural experience. This would be a greenway of exceptional quality that can serve as a day or multi-day excursion for residents and visitors.

### Actions required are as follows:

**Select Demonstration Areas.** A committee will be formed to select three demonstration areas: an urban, a suburban and a recreational greenway. The areas will be based on the extensive data and research that has been compiled through the Blue Ribbon Committee for Trails process, and will draw from existing transportation plans. The committee will meet three times to complete the selection by early 2009.

**Secure Federal and State Funds.** The Caucus of Elected Officials and Leadership Council will advocate for funding for the demonstration areas in upcoming legislative sessions at the state and federal levels.

**Build Demonstration Projects.** The goal is to begin moving demonstration areas forward in 2009.



### 3 Reduce costs

Federal and state standards set up for road construction complicate the construction of off-street bicycling and walking trails and add an estimated 30% to their cost. The barriers generally relate to procedures in place to support highway construction that don't adapt well for trails, such as cumbersome acquisition requirements that give the impression that a condemnation is about to take place; time consuming change order reviews because standards for roads aren't appropriate for trails; redundancy of effort to fulfill local, state and federal requirements; and excessively time consuming paperwork for intergovernmental agreements, accounting and project closeout.

A key element of the strategy is to bring these costs into line. Federal funding is administered through ODOT. Eliminating these barriers will involve working with ODOT staff, the Oregon Transportation Commission, state legislature and federal congressional staff.

**Convene an "Oregon Solutions" style Cost Reduction Project.** Strategy leadership would convene agencies involved in trail construction to identify opportunities to streamline, fastrack and reduce costs and implement solutions.

### 4 Develop system

Strategy leadership will work towards a regional mobility strategy that fully integrates walking and cycling into the region's transportation plans. The Regional Transportation Plan (RTP) is now being updated and so the timing for such an integration is excellent.

**Refine Guiding Principles.** A work group will refine the guiding principles that will guide the development of the region's bicycle and pedestrian system. A preliminary list, developed during the work of the Blue Ribbon Committee for Trails, is provided in a later section of this document.

**Develop Mobility Strategy and Integrate with Regional Transportation Plan.** Inclusion in the Regional Transportation Plan qualifies projects for federal funding.

**Create Safe Crossings.** Work with the Oregon Department of Transportation to create a "safe crossings" initiative that addresses bicycle and pedestrian crossings. Areas where trails cross arterials or highways are particularly challenging. Crossings are in the right-of-way and so are eligible for gas tax investments and are key to protecting the safety of those who travel by bike and by foot.

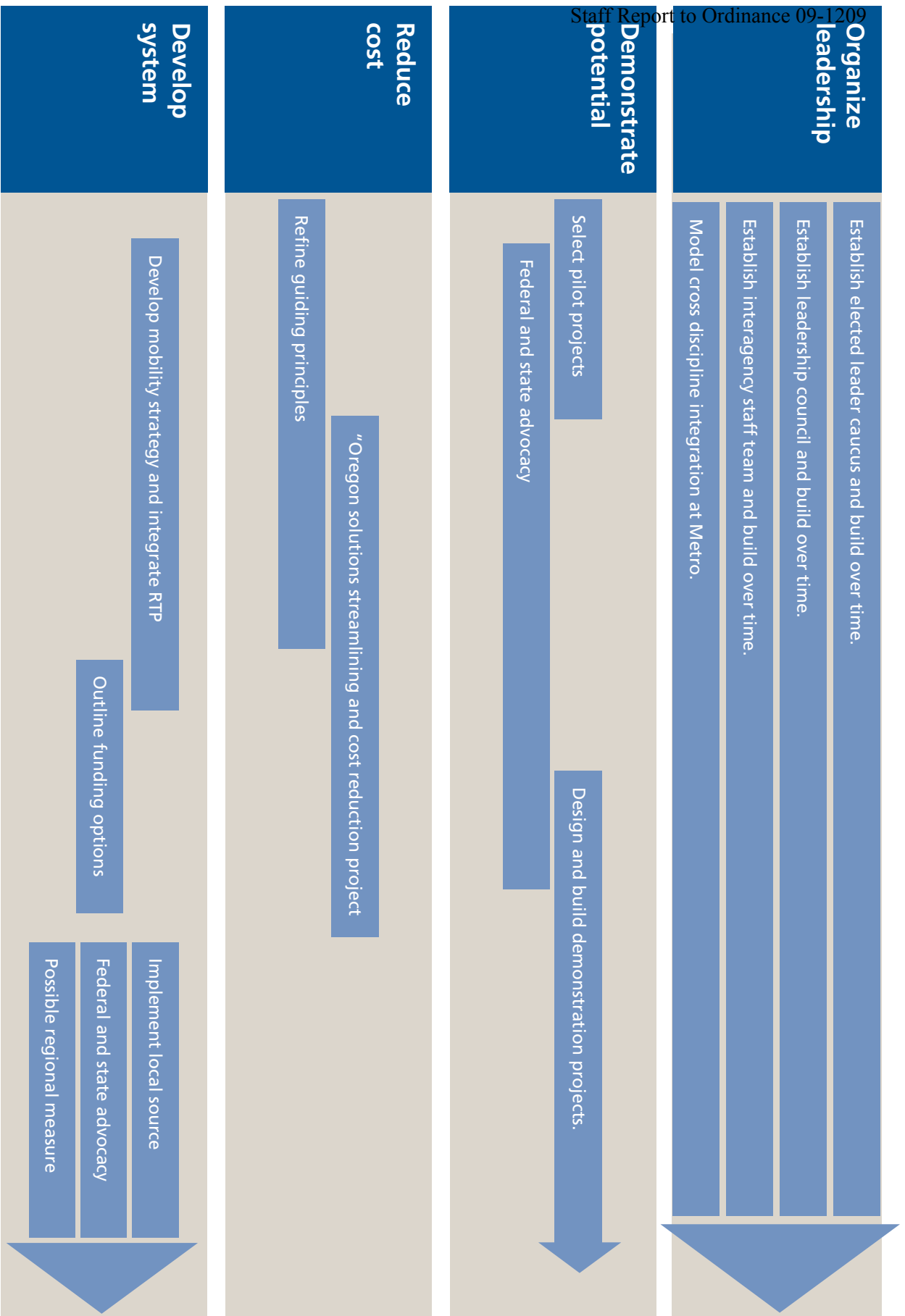
**Design Funding Package.** A staff team will outline a broad strategy for funding the mobility strategy identifying a target amount to be raised at the local, regional, state and federal levels and suggesting sources and a time frame for these amounts.

**Implement Local Source.** It is likely that the funding package will require a local match from system users. This source will need to be identified and implemented.

**Secure State and Federal Funds.** Strategy leadership will advocate at the state and federal level.

**Implement a Regional Measure.** A regional ballot measure or other source may need to be implemented.

# Portland region bicycle and pedestrian strategy



# Costs are small relative to other options

## THE FINANCIAL INVESTMENT REQUIRED IS WITHIN THE REGION'S CAPACITY

### Near term | Capacity \$118,000/year

Project management and technical staff support would include:

**Project management.** Provide support to the Caucus of Elected Leaders and Leadership Committee and serve as lead staff to the Interagency Staff Team. Direct overall strategy effort and provide staff leadership to key initiatives outlined in this document.

**Demonstration areas.** Scope and Develop demonstration project proposals, support selection process.

**Funding.** Develop materials, coordinate with partners and orchestrate advocacy for federal and state funding.

**Fast tracking and Cost Reduction.** Provide technical and project management support to Oregon Solutions to complete an interagency cost reduction project.

**System Development.** Coordinate development of the mobility strategy, facilitate integration of bicycle, pedestrian and trail plans with plans for other transportation modes.

The above is in addition to staff currently available at Metro and other governments in the region who will participate in the interagency staff team. The roles outlined above will be needed for two years at a total cost of \$236,000.

### Mid term | Demonstration areas \$50 to 75 million

The urban, suburban and greenway demonstration areas have not been identified. However, a reasonable estimate for urban, suburban and greenway demonstration areas, including design, permitting, bidding, and construction is \$50-75 million.

### Long term | System \$300 million to \$1 billion

A fully functioning bicycle and pedestrian system, built over the coming decades, is likely to cost between \$300 million and \$1 billion depending on the ultimate scope desired. To achieve this, the pace of investment must be increased over the current rate. For example, an average of only \$2.8 million per year in regional transportation funds are spent on urban multi modal trails. In the context of the region's overall investment in public transportation facilities of approximately \$630 million per year, a \$300 million investment over a span of ten or more years should not be out of range.



# Appendices

## NOTES ON FUNDING

### **A near term opportunity with the Federal reauthorization**

The 2035 Regional Transportation Plan (RTP) identifies a \$7B gap for capital and \$6B gap for operations and maintenance of the transportation system across the region. Federal transportation funding has been the primary source of trail, bike and transit planning and construction. This funding is likely to remain key to urban mobility projects and competition for these funds is keen.

Congress reauthorizes the federal transportation bill every six years. As the next scheduled reauthorization approaches in 2009, revenues are down and needs are up. Success in obtaining an increased level of trails funding will depend on building alliances and lobbying effectively. Specifically:

- Participate in shaping Metro's federal transportation agenda in coordination with JPACT and the Regional Transportation Plan.
- Build support from a variety of constituencies across the region for urban mobility projects
- Build alliances with trail supporters in other Oregon communities
- Build on Rails to Trails Conservancy (RTC) national "2010 Campaign for Active Transportation"
- Identify federal earmarks and advocate for them with Oregon's Congressional delegation
- Participate in the Bike Summit in Washington D.C., March 2009 and 2010

Timeframe: Now through 2010. (Note: while the transportation bill is scheduled to be reauthorized in 2009, the last reauthorization bill was late, and knowledgeable observers believe it is likely that this bill will not be completed until 2010.)

Outcomes: Trails and other bicycle and pedestrian facilities are seen as integral elements of a transportation system that responds to a range of current and future challenges. The City of Portland and the Portland region are successful in lobbying for \$100M from the transportation reauthorization in coordination with RTC. Traditional sources of federal trails funding (MTIP, TE) are expanded.

### **State funding opportunities are worth pursuing in 2009**

State funding has not been strong for either urban transportation trails or recreation trails. State gas tax revenues cannot be used outside the road right-of-way, and lottery funds, which can be used for trails, are likely to be scarce in 2009 due to the ailing economy as well as ballot measures that may have dramatic effects on the state budget. However, several factors suggest it may be timely to pursue state funding in 2009. These factors include a multi-stakeholder effort to pass a significant transportation funding package, heightened concern over gas prices and climate change, and potential reauthorization of Measure 66. There are several arenas to pursue.

### **Transportation-related**

- The Governor’s Vision Committee is considering a proposal to allocate up to \$20M annually across the state for trails and bicycle facilities.
- The Legislature doesn’t necessarily follow the Governor’s budget and is important to get in front of Legislative committees.
- A proposed third round of funding for multimodal transportation investments, the so-called ConnectOregon program, provides a logical legislative vehicle and funding structure for trail investments.

### **Recreation-related**

Measure 66 is up for reauthorization in 2014 and may be under discussion sooner, possibly in 2009. A strategic approach is needed to secure a portion of these funds for scenic greenways.

Outcomes: Active transportation and scenic greenways are recognized as legitimate elements of a complete transportation system and receive state funding accordingly. Pilot projects have been funded by the state and are successful in demonstrating the need for bicycle and pedestrian facilities coordinated with transit. Consistent funding sources, at appropriate levels, are dedicated to these projects.

### **New funding**

- The level of public support needs to be tested for new funding opportunities:
- Voter-approved Funding. Review the field of upcoming ballot measures and evaluate the potential for a mobility focused measure.
- Potential for Bicycle Community Contribution. Pursue a contribution or registration fee for bicycles to engage cyclists and to address concern, however mistaken, that cyclists don’t carry their weight. This may be an important equity effort, rather than a key funding source.
- Potential for Regional and Local Funding. There may be traditional funding sources that could contribute to the funding mix. All have many competing priorities and the associated institutional hurdles. However, the case should be made for non-motorized mobility with sources such as urban renewal, transportation and parks systems development charges, and local gas taxes.

### **Principles for development**

Demonstration areas will test and refine a set of principles that can then guide the development of a region-wide system. Based on the work of the Blue Ribbon Committee for Trails and the German Marshall Fund study tour to Amsterdam and Copenhagen, the following principles are suggested as a point of departure:

- Focus on the users experience over their entire trip. Working with the “total trip” experience requires not just transportation engineering but landscape and recreational planning expertise.
- Connectivity is key. Coordinate on-street, off-street, and transit facilities within key transportation corridors. Determine a range of mobility options to serve the corridors.

- Factor health, the environment, personal and public costs, convenience, the travel experience and community health into investment decisions.
- Consider the pattern of development and respond with effective mobility strategies; urban solutions are likely to be different than suburban solutions.
- Emphasize bicycle trails and routes to connect population and employment centers that are accessed with a 30 minute ride.
- Set Priorities. Focus on completing or a few commute sheds at a time. Build regional equity into the sequence, so each part of the region gets a turn. This is similar to the way light rail was developed—first the east, then the west, then north, then airport, then south...
- Provide separated bicycle and pedestrian facilities in high-volume corridors.
- Set high standards for both the quality of the travel experience and a unified way finding system.
- Consider principles used in Europe that the system should be coherent, direct and easy, safe and secure, self-explanatory, comfortable and attractive.
- For greenways, the quality of the experience, the destinations, and the opportunities along the route to enjoy nature are all important. The process also has a focus on development of tree canopy and understory for wildlife habitat with special sensitivity to stream bank conditions. The balance between providing access to nature while preserving fragile habitat and ecosystems requires judgment that must be further developed. The Portland region will be positioned as a national model on achieving the right balance.

# Blue Ribbon Committee for Trails

CONVENED BY THE METRO COUNCIL

## Committee Chair

Dave Yaden

## Committee Members

Eileen Brady

*New Seasons Market*

Scott Bricker

*Bicycle Transportation Alliance*

Councilor Rex Burkholder

*Metro Council District 5*

Chris Enlow

*KEEN Footwear*

Steve Faulstick

*Doubletree Hotel*

Jay Graves

*The Bike Gallery*

Al Jubitz

*Jubitz Family Foundation*

Julie A. Keil

*Portland General Electric*

Mayor Richard Kidd

*City of Forest Grove*

Commissioner Randy Leonard

*City of Portland*

Nichole Maher

*Native American Youth and Family*

Senator Rod Monroe

Rick Potestio

Commissioner Dick Schouten

*Washington County Board of Commissioners*

Dave Underriner

*Providence Health and Services*

Philip Wu, MD

*Kaiser Permanente*

Ian Yolles

## Ex-Officio Member

Council President David Bragdon

Metro Council

The Blue Ribbon Committee was supported by a team led by Metro and including staff from the City of Portland, Oregon State Parks, the City of Forest Grove, and Alta Planning and Design. The composition of the staff workgroups was diverse, with expertise in transportation, trail, bicycle and parks planning, data analysis, cartography and GIS, funding, legislative process, and design. Staff worked collaboratively to serve the needs of the committee as a whole and to foster shared understanding rather than to advocate any specific position.

Thank you to the following people for their work on the Blue Ribbon Committee for Trails:

Elizabeth Adams

Janet Bebb

Mia Birk

Kristin Blyler

Anthony Butzek

Mary Anne Cassin

Jim Desmond

Steve Durrant

Gregg Everhart

Roger Geller

Eric Goetze

Marybeth Haliski

Carol Hall

Matthew Hampton

Jane Hart

Rocky Houston

Mel Huie

Karen Kane

Heather Nelson Kent

Tom Kloster

Janice Larson

Ted Leybold

Lake Strongheart McTighe

Joanna Mensher

John Mermin

Brian Monberg

Derek Robbins

Robert Spurlock

Patricia Sullivan

Mike Tresidder

Randy Tucker

Patty Unfred

Lia Waiwaiole

Marlon Warren

Mike Wetter

Max Woodbury

**Attachment 2**  
**Staff Report to Ordinance No. 09-1209**  
**Three-Year Estimate of Costs**

<b>Three Year Fiscal Impact Program Analyst IV</b>				
<u>Budget Category</u>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>3-yr Total</u>
Wages	69,620	73,101	76,756	219,477
Salary Adjustments	1,741	2,339	2,456	6,536
Variable Fringe	14,914	15,767	16,555	47,237
Fixed Fringe	11,481	12,629	13,892	38,002
PERS Bond	2,284	2,414	2,535	7,232
<b>Total</b>	<b>100,039</b>	<b>106,250</b>	<b>112,194</b>	<b>318,484</b>

Agenda Item Number 6.1

**Ordinance No. 08-1204A**, For the Purpose of Determining that Implementing  
Transit-Oriented Development is a matter of Metropolitan Concern.

*Second Reading*

Metro Council Meeting  
Thursday, January 15, 2009  
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DETERMINING THAT ) ORDINANCE NO. 08-1204A  
IMPLEMENTING TRANSIT-ORIENTED )  
DEVELOPMENT IS A MATTER OF )  
METROPOLITAN CONCERN ) Introduced by Councilor Robert Liberty

WHEREAS, on May 16, 1996, the Metro Council adopted Resolution No. 96-2279 (For the Purpose of Authorizing an Intergovernmental Agreement with TriMet to assist in establishing a Transit-Oriented Development and Implementation Program at Metro) to authorize entry into an Intergovernmental Agreement with TriMet transferring TriMet authority to establish and implement a Transit-Oriented Development Program at Metro; and

WHEREAS, on November 18, 1999, the Metro Council adopted Resolution No. 99-2858 (For the Purpose of Authorizing a Revenue Neutral Intergovernmental Agreement with TriMet Concerning Transit-Oriented Development and Increasing the Level of Transit Service), which determined that implementing Transit-Oriented Development is a cost-effective means of increasing ridership for transit, reducing congestion and improving air quality, and thus is an important component in realizing the Region 2040 Growth Concept and authorized entry into an Intergovernmental Agreement with TriMet exchanging Federal STP Flexible Funds allocated to the Transit Oriented Development Program for TriMet general funds; and

WHEREAS, the TOD Work Plan was amended: (1) to include a site improvements project category by Resolution 00-2906 (For the Purpose of Amending the TOD Program Procedures to Facilitate TOD Projects Including the Round at Beaverton Central,) adopted March 9, 2000; (2) to include additional light rail corridors, streetcar, frequent bus, urban centers and green buildings by Resolution No. 04-3479 (For the Purpose of Amending the Transit-Oriented Development (TOD) Program Work Plan to Expand the TOD Program Area and Initiate An Urban Centers Program,) adopted July 15, 2004; (3) to add selection criteria for frequent bus line projects by Resolution No. 05-3563 (For the Purpose of Amending the Transit-Oriented Development (TOD) Program Work Plan to Apply Additional Selection Criteria to TOD Program Frequent Bus Line Projects), adopted May 19,2005; and (4) to allow a process for unsolicited proposals by Resolution No. 05-3617 (For the Purpose of Amending the Transit-Oriented Development (TOD) Program Work Plan to Allow a Process for Consideration of Unsolicited Development Proposals for Metro TOD & Centers Program Owned Land), adopted September 13, 2005 to designate focus centers, establish an urban living infrastructure program, and make technical changes as set forth in Exhibit A; and

WHEREAS, Section 4 of the Metro Charter, entitled “Jurisdiction of Metro,” provides that, “Metro has jurisdiction over matters of metropolitan concern. Matters of metropolitan concern include . . . those matters the Council by ordinance determines to be of metropolitan concern.”; and

WHEREAS, Section 7 (1) of the Metro Charter, entitled “Assumption Ordinance,” provides that “The Council shall approve by ordinance the undertaking by Metro of any function not authorized by Sections 5 and 6 of this charter. The ordinance shall contain a finding that the function is of metropolitan concern and the reasons it is appropriate for Metro to undertake it.”; and

WHEREAS, implementing Transit-Oriented Development is a cost-effective means of encouraging higher density and mixed-use development, increasing ridership for transit, reducing congestion and improving air quality, and thus is an important component in realizing the vision, policies

and fundamental goals in Metro's Region 2040 Growth Concept, Regional Framework Plan and the Metro Code set forth herein below; and

WHEREAS, Fundamental 2 of the Regional Framework Plan charges Metro to "Encourage the efficient use of land within the UGB including buildable industrial and commercial land and focus development in 2040 mixed use centers and corridors."; and

WHEREAS, Fundamental 7 of the Regional Framework Plan charges Metro to "Enable communities to provide diverse housing options for all residents by providing a mix of housing types as well as affordable housing in every jurisdiction."; and

WHEREAS, the Regional Framework Plan provides that it is the Policy of the Metro Council to: "Balance the region's growth by . . . targeting public investments to reinforce compact urban form." (*Urban Form Policy 1.1.1 (d)*); "Manage the urban land supply in a manner consistent with state law by encouraging the evolution of an efficient urban growth form." (*Growth Management Policy 1.6.1 (a)*); "Support the identity and functioning of communities in the region through . . . ensuring that incentives and regulations guiding the development and redevelopment of the urban area promote a settlement pattern that . . . includes concentrated, high-density mixed-use urban centers developed in relation to the region's transit system." (*Urban Design Policy 1.10.1 (c)(v)*); "Encourage pedestrian and transit supportive building patterns in order to minimize the need for auto trips and to create a development pattern conducive to face-to-face community interaction." (*Urban Design Policy 1.10.2*); "Develop a regional strategy for enhancement of Centers, Station Communities and Main Streets in the region . . . placing a high priority on investments in Centers by Metro and efforts by Metro to secure complementary investments by others." (*Centers Policy 1.15.2. (b)*); "Increase walking for short trips and improve pedestrian access to the region's public transportation system through pedestrian improvements and changes in land use patterns, designs and densities." (*Regional Pedestrian Mode Share Policy 2.25.1*); and

WHEREAS, Metro Code Chapter 3.07, Title 6, entitled "Central City, Regional Centers, Town Centers and Station Communities," Section 3.07.610 - "Purpose and Intent," addresses the maintenance and enhancement of Centers by encouraging development in Centers that will improve the critical roles they play in the region, in aid of the accomplishment of the 2040 growth concept; and

WHEREAS, Metro Code Chapter 3.07, Title 9, entitled "Performance Measures," Section 3.07.910 - "Purpose and Intent," establishes a summary of fundamental goals of the region, one of which is to "Encourage efficient use of land within the UGB by focusing on development of 2040 mixed use centers and corridors."; and

WHEREAS, in determining that providing for the implementation of Transit-Oriented Development is a matter of metropolitan concern, the Metro Council does not wish to exercise any authority to direct or regulate local government efforts to provide for the implementation of transit-oriented development, and therefore concludes that Metro is not providing or regulating any existing service provided by local governments; and

WHEREAS, pursuant to Section 7 (3) of the Metro Charter, "Assumption of Other Service Functions, the Council shall seek the advice of the MPAC before adopting an ordinance authorizing provision or regulation by Metro of a service, which is not a local government service."; and

WHEREAS, this ordinance has been submitted to MPAC in its advisory capacity prior to being considered by the Metro Council; now therefore,



THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The continued implementation of Transit-Oriented Development throughout the Metro Region is a metropolitan concern and the Metro Council finds, pursuant to Section 4 of the Metro Charter, that the Council shall exercise jurisdiction over the matter by providing for the implementation of Transit-Oriented Development through the Metro Transit-Oriented Development and Urban Centers Implementation Program, using federal, state, and regional, financial resources, as said resources become available and as the Metro Council shall further identify and direct.

2. In determining that providing for the implementation of Transit-Oriented Development is a matter of metropolitan concern, the Metro Council finds that ~~Metro shall not exercise any authority to the implementation of Transit-Oriented Development by Metro through the Metro Transit-Oriented Development and Urban Centers Implementation Program does not~~ preempt, direct or regulate local government efforts to provide for the implementation of Transit-Oriented Development, and therefore concludes that Metro is not providing or regulating any existing service provided by local governments. Therefore this ordinance is not subject to approval by either the Metro Policy Advisory Committee or the voters of the Metro Area.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

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

Attest:

Approved as to Form:

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

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

## STAFF REPORT

### IN CONSIDERATION OF ORDINANCE NO. 08-1204, FOR THE PURPOSE OF DETERMINING THAT IMPLEMENTING TRANSIT-ORIENTED DEVELOPMENT IS A MATTER OF METROPOLITAN CONCERN

---

Date: December 18, 2008

Prepared by: Robin McArthur and Megan Gibb

## BACKGROUND

The Metro Transit-Oriented Development and Urban Centers Implementation Program (“TOD Program”) originated in 1996, as a result of Metro Council adoption of Resolution No. 96-2279, on May 16, 1996, “For the Purpose of Authorizing an Intergovernmental Agreement with TriMet to Assist in Establishing a Transit-Oriented Development and Implementation Program at Metro.” Subsequent Council Resolutions detailed below authorized the execution of an Intergovernmental Agreement that established the delegation to Metro of TriMet’s authority to implement Transit-Oriented Development, and provided for a coordinated Metro – TriMet approach to Transit-Oriented Development, including a funding exchange between Metro and TriMet to improve the efficiency of the new Metro TOD Program. The Intergovernmental Agreement has been extended on four occasions, most recently in 2005, and is now nearing expiration. During that time, as set forth in the Metro TOD Program Workplan, (established via Metro Council Resolution No. 98-2619 “For the Purpose of Authorizing Start-up activities for the Transit-Oriented Development Program at Metro”) Metro Council has exercised primary oversight on the implementation of Transit-Oriented Development. Metro and TriMet propose to enter into a new long-term IGA to coordinate Transit-Oriented Development and Urban Centers Implementation that requires no recurring extensions of term by Metro Council and no delegation of authority from TriMet. This IGA would maintain the current level of Metro – TriMet coordination and funding exchange, but eliminates any need for TriMet to duplicate Metro Council’s oversight of the TOD Program by eliminating the delegation of authority. This proposed arrangement requires that the Council exercise independent jurisdiction over Transit-Oriented Development and Urban Centers Implementation by declaring it to be a matter of “metropolitan concern.”

This ordinance provides a Metro Council determination that Transit-Oriented Development and Urban Centers Implementation is a matter of metropolitan concern and is thus within Metro’s jurisdiction. Metro Council’s determination is supported by its prior recognition of the fact that Transit-Oriented Development is a cost-effective means of encouraging higher density and mixed-use development, increasing ridership for transit, reducing congestion and improving air quality, and is an important component in realizing the following policies and fundamental goals of the Metro Region 2040 Growth Concept, Regional Framework Plan and the Metro Code:

Fundamental 2 of the Regional Framework Plan charges Metro to: “Encourage the efficient use of land within the UGB including buildable industrial and commercial land and focus development in 2040 mixed use centers and corridors.”

Fundamental 7 of the Regional Framework Plan charges Metro to: “Enable communities to provide diverse housing options for all residents by providing a mix of housing types as well as affordable housing in every jurisdiction.”

The Regional Framework Plan provides that it is the policy of the Metro Council to: “Balance the Region’s growth by . . . targeting public investments to reinforce compact urban form.” (*Urban Form Policy 1.1.1 (d)*); “Manage the urban land supply in a manner consistent with state law by encouraging the evolution of an efficient urban growth form.” (*Growth Management Policy 1.6.1 (a)*); “Support the identity and functioning of communities in the region through . . . ensuring that incentives and regulations guiding the development and redevelopment of the urban area promote a settlement pattern that . . . includes concentrated, high density mixed use urban centers developed in relation to the region’s transit system.” (*Urban Design Policy 1.10.1 (c)(v)*); “Encourage pedestrian and transit supportive building patterns in order to minimize the need for auto trips and to create a development pattern conducive to face-to-face community interaction.” (*Urban Design Policy 1.10.2*); “Develop a regional strategy for enhancement of Centers, Station Communities and Main Streets in the region . . . placing a high priority on investments in Centers by Metro and efforts by Metro to secure complementary investments by others.” (*Centers Policy 1.15.2 (b)*); “Increase walking for short trips and improve pedestrian access to the region’s public transportation system through pedestrian improvements and changes in land use patterns designs and densities.” (*Regional Pedestrian Mode Share Policy 2.25.1*).”

Metro Code Chapter 3.07, Title 6, entitled “Central City, Regional Centers, Town Centers and Station Communities,” Section 3.07.610 - “Purpose and Intent,” addresses the maintenance and enhancement of Centers by encouraging development in Centers that will improve the critical roles they play in the region, in aid of the accomplishment of the 2040 growth concept.

Metro Code Chapter 3.07, Title 9, entitled “Performance Measures,” Section 3.07.920 - “Purpose and Intent,” establishes a summary of fundamental goals of the region, one of which is to “Encourage efficient use of land within the UGB by focusing on development of 2040 mixed use centers and corridors.”

## ANALYSIS/INFORMATION

- 1. Known Opposition.** None known.
- 2. Legal Antecedents.** Sections 4 and 7 of the Metro Charter provide that Metro has jurisdiction over “matters of metropolitan concern,” including those matters the Council determines to be of metropolitan concern by ordinance. Such an ordinance shall contain a finding that a function is of metropolitan concern and the reasons for which it is appropriate to be undertaken by Metro. Metro’s authority to implement Transit-Oriented Development and operate the Transit-Oriented Development and Urban Centers Implementation Program has heretofore been by delegation of authority from TriMet to Metro contained in an intergovernmental agreement (the “IGA”) approved by the Metro Council via Resolution No. 99-2858, “For the Purpose of Authorizing a Revenue Neutral Intergovernmental Agreement with TriMet Concerning Transit-Oriented Development and Increasing the Level of Transit Service,” adopted November 18, 1999, and four successive extension amendments approved by the Metro Council via Resolutions No. 99-2858, adopted November 18, 1999; No. 01-3114A, adopted November 8, 2001; No. 03-3314, adopted May 15, 2003; No. 04-3478, adopted July 15, 2004; and No. 05-3627, adopted October 27, 2005.
- 3. Anticipated Effects.** Metro Council will obtain jurisdiction over the implementation of Transit-Oriented Development as a matter of metropolitan concern. The delegation of TriMet’s authority to implement Transit-Oriented Development will no longer be necessary, and thus repetitive Metro Council authorization of amendments extending the delegation IGA will no longer be required. Concurrently with this ordinance, Metro Council will be asked to authorize the entry by Metro into a long-term IGA with TriMet, providing for periodic exchanges of TriMet general funds for TOD

Program federal transportation flexible funds in order to improve the efficiency of government. The ordinance is specifically not intended to exercise any authority to direct, regulate or preempt local government efforts to provide for the implementation of Transit-Oriented Development, and thus this ordinance will not result in Metro providing or regulating any existing service provided by local governments.

4. **Budget Impacts.** Future revenues and expenditures associated with the implementation of Transit-Oriented Development as a matter of metropolitan concern will be determined as part of the budget process.

#### **RECOMMENDED ACTION**

Metro staff recommends the adoption of Ordinance No. 08-1204.

Agenda Item Number 7.1

**Resolution No. 09-4015**, For the Purpose of Reorganizing the Metro Council in  
2009.

Metro Council Meeting  
Thursday, January 15, 2009  
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF REORGANIZING THE ) RESOLUTION NO. 09-4015  
METRO COUNCIL IN 2009 )  
) Introduced by Council President  
) David Lincoln Bragdon

WHEREAS, the Metro Charter directs the Council to adopt an annual organizing resolution for the orderly conduct of Council business; and

WHEREAS, the Metro Charter provides that the Council President appoints the Deputy Council President and all members of committees, commissions and boards; and

WHEREAS, the Council President has nominated Councilor Kathryn Harrington to serve as the Deputy President for 2009; now therefore

BE IT RESOLVED:

1. That the Metro Council elects Councilor Kathryn Harrington to be the Deputy for 2009.
2. Nominations for committees outlined in Exhibit A are confirmed by the Council, with all appointments not cited therein remaining the same as in 2008.

ADOPTED by the Metro Council this 15th day of January, 2009.

---

David Lincoln Bragdon, Council President

Approved as to Form:

---

Daniel B. Cooper, Metro Attorney

**Exhibit A to Resolution 09-4015**

For the Purposes of Reorganizing the Metro Council in 2009

Deputy Council President:

Harrington

Metro Policy Advisory Committee Liaisons:

Liberty, Hosticka, Park

Joint Policy Advisory Committee on Transportation:

Burkholder (Note 1), Collette (Note 2), Harrington

Note 1: Councilor Burkholder to continue to serve as Chair through March, 2009

Note 2: Councilor Collette to serve as Chair effective April, 2009

Unless otherwise noted above, other appointments originally made and confirmed according to Resolution 08-3894 are hereby re-appointed and reconfirmed.

Agenda Item Number 7.2

**Resolution No. 08-3888**, For the Purpose of Approving the Tualatin Hills Parks and Recreation District's Natural Resource Management Plan as it Applies to Certain Natural Area Property Owned by Metro.

Metro Council Meeting  
Thursday, January 15, 2009  
Metro Council Chamber



BEFORE THE METRO COUNCIL

APPROVING THE TUALATIN HILLS PARK )  
AND RECREATION DISTRICT'S )  
NATURAL RESOURCE MANAGEMENT )  
PLAN AS IT APPLIES TO CERTAIN )  
NATURAL AREA PROPERTY OWNED )  
BY METRO )

RESOLUTION NO. 08-3888

Introduced by Chief Operating Officer  
Michael J. Jordan, with the  
concurrence of Council President  
David Bragdon

WHEREAS, in July, 1992, via Resolution No. 92-1637 (“For the Purpose of Considering Adoption of the Metropolitan Greenspaces master Plan”), the Metro Council adopted the Metropolitan Greenspaces Master Plan which identified a desired system of natural areas interconnected with greenways and trails; and

WHEREAS, in May 1995 Ballot Measure 26-26 was approved, authorizing Metro to issue \$135.6 million for bonds for Open Spaces, Parks and Streams (the “1995 Open Spaces Bond Measure”); and

WHEREAS, on May 16, 1996, the Metro Council adopted Resolution No. 96-2331, “For the Purpose of Approving a Refinement Plan For Fanno Creek Greenway Target Area As Outlined in the Open Space Implementation Work Plan,” authorizing the purchase of property in the Fanno Creek Greenway Target Area with a focus on trail development with Metro’s local partners; and

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

WHEREAS, on September 6, 2007, the Metro Council adopted Resolution No. 07-3837, “Approving the Natural Areas Acquisition Refinement Plan for the Fanno Creek Linkages Target Area”, with a goal to “Complete a continuous greenway trail from the Tualatin River into a highly urbanized “walker-challenged” area of Portland, and further protect water quality along Fanno Creek and its tributaries;” and

WHEREAS, in September of 2000, using funds from the 1995 Open Spaces Bond Measure Program, Metro acquired a 2 acre parcel (hereafter the “Metro Parcel”), identified on Exhibit A to this Resolution, along the northern bank of Fanno Creek in Beaverton as a future link in the proposed Fanno Creek Greenway; and

WHEREAS, on July 29, 2001, Metro and the Tualatin Hills Park and Recreation District (“THPRD”) entered into an Intergovernmental Agreement (“IGA”) for THPRD’s Management of Property in the Fanno Creek Greenway Target Area which included the Metro Parcel; and

WHEREAS, the IGA requires that THPRD develop a resource management plan for the Metro Parcel, ensuring that the property is used, managed, maintained and operated in accordance with the Metro Greenspaces Master Plan and that THPRD shall take an inventory of the resources on the Metro Parcel. The IGA also states the Management Plan shall be subject to approval by the Metro Council prior

to its implementation, which approval shall be based on the consistency of such plan with the Greenspaces Master Plan and shall not be unreasonably withheld; and

WHEREAS, December 2008 THPRD provided to Metro a natural resources inventory and assessment of the property ("Fanno Creek Trail: Allen Boulevard to Beaverton Bus Barn Segment Natural Resource Assessment" attached hereto as Exhibit B); and

WHEREAS, in January 2002 THPRD approved its Natural Resources Management Plan applicable to all natural area properties in its district, including the Metro Parcel (the "Management Plan" attached hereto as Exhibit C); and

WHEREAS, THPRD has also adopted a trails master plan that provides for the Fanno Creek Trail to be constructed on the Metro Parcel; and

WHEREAS, Metro contracted with Alta Design to develop a Fanno Creek Greenway Trail Action Plan in January 2003 that identifies that this proposed trail is one of the key gaps in the Fanno Creek Trail that Metro and THPRD have been working to complete; and

WHEREAS, THPRD has obtained the necessary ownership interests in four other contiguous properties and is now ready to start construction of a segment of the Fanno Creek Trail, of which the Metro Parcel is a component, and requests Metro approval of a Development Application, attached hereto as Exhibit D, to be submitted to the City of Beaverton; and

WHEREAS, Metro staff have reviewed the Management Plan and the Development Application and have found them to be consistent with the principles of the Greenspaces Master Plan and the refinement plans of both the 1995 Open Spaces Bond Measure and the 2006 Natural Areas Bond Measure; and

WHEREAS, the Council has reviewed the Management Plan and the Development Application as they apply to the Metro Parcel and has found them to be consistent with the Greenspaces Master Plan and to provide for the intended and appropriate use of the Metro Parcel for the benefit of the public; now, therefore

BE IT RESOLVED that the Metro Council approves the Fanno Creek Trail Natural Resources Management Plan attached hereto as Exhibit C as it applies to certain property owned by Metro in the City of Beaverton as identified on Exhibit A to this resolution, and authorizes the Chief Operating Officer to provide Metro's consent to THPRD's submittal of the Development Application.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

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

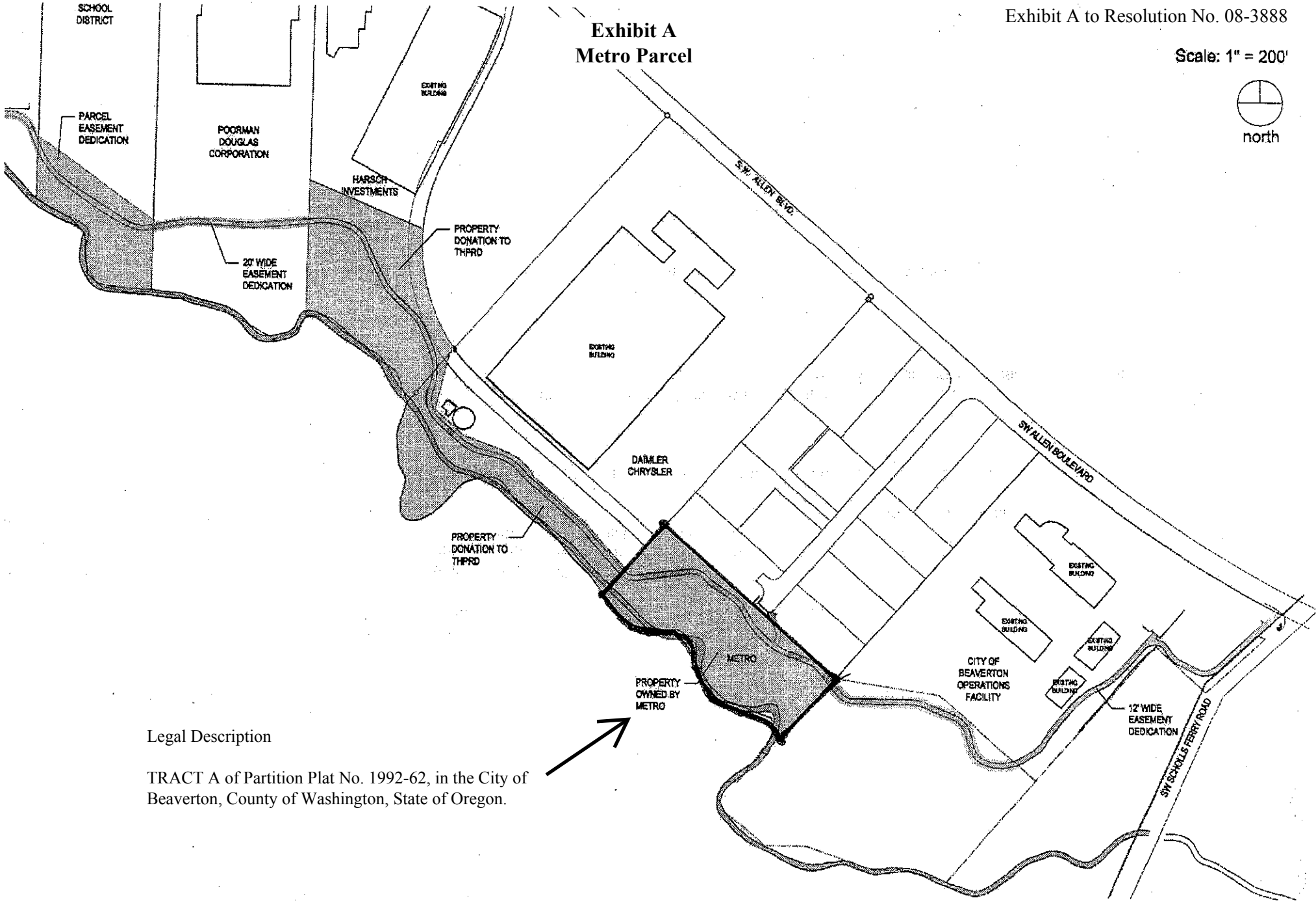
Approved as to Form:

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

Scale: 1" = 200'



### Exhibit A Metro Parcel



#### Legal Description

TRACT A of Partition Plat No. 1992-62, in the City of Beaverton, County of Washington, State of Oregon.



**Fanno Creek Trail: Allen Boulevard to Beaverton Bus Barn Segment  
Natural Resource Assessment**

---

Conducted By: Julie Reilly, Natural Resource Specialist  
Tualatin Hills Park and Recreation District

**Initial Site Assessment**

An initial assessment of the area found a number of sensitive areas on or near the proposed trail development site, including Fanno Creek, a large permanent pond, a number of wetlands, and three drainage swales. A field survey was performed in the area by CH2M HILL to identify and delineate potential jurisdictional waters and wetlands, and the subsequent report is available. Sensitive areas will be discussed below in relation to the proposed trail corridor. The trail was sited to avoid or minimize contact with sensitive areas as much as possible while taking private property issues into consideration.

**SECTION 1, City of Beaverton Operations Property:** This Section corresponds to Figures 5F and 5E, Wetland Boundary Map (CH2MHILL). An existing asphalt trail begins near to Allen Boulevard, across the parking lot for the City of Beaverton Operations Yard, and runs southwest for approximately 300 feet. Vegetation adjacent to the existing asphalt trail from Allen Boulevard south consists of planted trees and shrubs with a ground cover of bark chips. This is not a natural area.

After the asphalt ends, the proposed trail route heads into the wooded area and turns west for approximately 200 feet, roughly paralleling a narrow wetland to the south. The trail route then passes to the south of a large permanent pond, staying about 75 feet away from the pond except where a long finger of the pond becomes an outlet to a smaller boggy area which then drains to Fanno Creek. The proposed route passes 40 feet south of the pond, crossing the outlet. Wetlands exist between the proposed trail route and the pond and to the south of the trail route near the west edge of this Section.

The vegetation along this section of the proposed trail consists of closed canopy Riparian Deciduous Forest with dense underbrush and herbaceous ground cover. The majority of vegetation is native, although there is a significant component of non-native sweet cherry, English hawthorn, English holly, and Armenian (Himalayan) blackberry. English ivy is the dominant ground cover at the far west edge of this Section, and there is a dense patch of reed canarygrass at the far eastern edge. Most of the vegetated corridor in this section is in Almost Good to Marginal condition, with a high percentage of cover by native trees, shrubs and groundcover, low percentage of invasive species and noxious weeds, and fairly dense tree canopy. Forested wetlands exist in patches throughout this section with dense slough sedge ground cover, although the trail does not pass directly through the wetlands.

**Vegetated Corridor Community 1A:**  
**Riparian Deciduous Forest**  
**DP 1: near tree #56 (oak)**

Oregon ash*	25%
Big leaf maple*	20%
Sweet cherry**	20%
English hawthorn**	15%
Sitka willow*	10%
Holly**	10%
Dewberry*	35%
Hazelnut*	15%
Snowberry*	15%
Serviceberry*	15%
Himalayan blackberry**	10%
Western wahoo*	5%
Sword fern*	5%
Fringecup*	5%

**Vegetated Corridor Community 1B:**  
**Riparian Deciduous Forest**  
**DP 2: @ tree #98 (English hawthorn)**

Alder*	20%
Douglas hawthorn*	15%
English hawthorn**	10%
Oregon ash*	5%
Scouler willow*	5%
English ivy**	48%
Himalayan blackberry**	20%
Ninebark*	12%
Dewberry*	8%
Elderberry*	4%
Hazel*	4%
Oregon grape*	4%
Sword fern*	20%

\* = Native species

\*\* = Invasive species / Noxious weed

**VC1A, DP1:**  
 >50% tree canopy cover (100% exists).  
 55% of trees are native.  
 < 80% cover by native trees, shrubs, &  
 groundcover (73% exists).  
 10% cover by invasive species/noxious  
 weeds.  
**Vegetated Corridor Condition =**  
**Almost Good.**

**VC1B, DP2:**  
 >50% tree canopy cover (55% exists).  
 82% of trees are native.  
 < 80% cover by native trees, shrubs, &  
 groundcover (49% exists).  
 >10% cover by invasive species/noxious  
 weeds (39% exists).  
**Vegetated Corridor Condition =**  
**Marginal.**

**SECTION 2, Daimler Chrysler Property:** This Section corresponds to Figures 5D and 5C, Wetland Boundary Map (CH2MHILL). The natural area between developed industrial land and Fanno Creek is very narrow, mostly less than 100 feet wide, and the proposed trail route passes within 30 feet of Fanno Creek. The trail route is placed to avoid the forested wetland to the north and the steep banks of Fanno Creek to the south. After passing through the low area of wetland, the trail moves upslope and travels through heavy patches of Armenian (Himalayan) blackberry, hugging the northern property boundary at the west end of the section.

The vegetation along this section of the proposed trail consists of mostly closed canopy Riparian Deciduous and Mixed Forest with moderate underbrush and herbaceous ground cover. The vegetation is mostly native, although Himalayan blackberry occurs in almost all areas and is particularly dense along the northern edge of the property and there is a good-sized patch of garlic mustard directly adjacent to Fanno Creek. The forested wetlands have either dense slough sedge cover or bare dirt. Most of the vegetated corridor in this section is in Marginal condition due to infestation of non-native blackberry and English ivy. Still, there is a dense canopy of native trees and a plentiful cover of native shrubs and herbaceous species.

**Vegetated Corridor Community 2A:**  
**Riparian Deciduous Forest**  
**DP 3: 25' from tree #180**

Oregon ash*	30%
Oregon white oak*	25%
Big leaf maple*	20%
Alder*	5%
Douglas hawthorn*	5%
Himalayan blackberry**	25%
Hazel*	10%
Ninebark*	5%
Robert geranium**	48%
Sword fern*	19%
Stinging nettle*	14%
Fringecup*	5%
Garlic mustard**	5%
Spotted touch-me-not*	5%
Waterleaf*	4%

**Vegetated Corridor Community 2B:**  
**Riparian Mixed Forest**  
**DP4: near tree #221 (ash clump)**

Oregon ash*	35%
Western red cedar*	20%
English hawthorn**	15%
Sweet cherry**	10%
Dewberry*	44%
Himalayan blackberry**	15%
Snowberry*	11%
Serviceberry*	8%
Nootka rose*	7%
English ivy**	7%
Evergreen blackberry**	4%
Hazel*	4%
Fringecup*	25%
Sword fern*	20%
Strawberry*	10%

\* = Native species

\*\* = Invasive species / Noxious weed

**VC2A, DP3:**  
 >50% tree canopy cover (85% exists).  
 100% of trees are native.  
 < 80% cover by native trees, shrubs, &  
 groundcover (65% exists).  
 >10% cover by invasive species/noxious  
 weeds (11% exists).  
**Vegetated Corridor Condition =**  
**Marginal.**

**VC2B, DP4:**  
 >50% tree canopy cover (80% exists).  
 69% of trees are native.  
 Almost 80% cover by native trees, shrubs,  
 & groundcover (78% exists).  
 >10% cover by invasive species/noxious  
 weeds (26% exists).  
**Vegetated Corridor Condition =**  
**Marginal.**

**SECTION 3, Harsh Property:** This Section corresponds to Figures 5C and 5B, Wetland Boundary Map (CH2MHILL). In this area the proposed trail route moves away from Fanno Creek and eventually onto an old asphalt pathway. Approximately half of the trail route is sited between wetland to the south and a steep bank below private property to the north. The vegetation along the proposed trail segment that is sited in lowland consists significantly of Riparian Deciduous Forest. Although the trail itself does not pass inside the delineated wetland, there will be impacts to the vegetation due to the necessary width of this regional trail.

After the trail climbs slightly and leaves the wet forest, the vegetation takes on the character of Upland Mixed Forest, with a significant component of Douglas fir and open understory of hazelnut, salal and snowberry. English ivy is very common in along this part of the proposed trail route, as is Armenian (Himalayan) blackberry. Most of this vegetated corridor can be characterized as in Marginal condition.

**Vegetated Corridor Community 3A:**  
**Riparian Deciduous Forest**

**DP6: near tree #272 (ash)**

Oregon ash*	30%
Alder*	15%
Red Oak	5%
Douglas hawthorn*	5%
Scouler willow*	5%
Himalayan blackberry**	50%
Spiraea*	10%
Nootka rose*	5%
Dewberry*	5%
Reed canarygrass**	40%
Field horsetail*	20%
Water parsley*	10%
<i>(Oenanthe sarmentosa)</i>	

**Vegetated Corridor Community 3B:**  
**Upland Mixed Forest**

**DP7: between trees #286 & #295**

Douglas fir*	25%
Oregon ash*	10%
Oregon white oak*	10%
Douglas hawthorn*	10%
Alder*	5%
English hawthorn**	5%
Hazel*	26%
Salal*	26%
Dewberry*	26%
Snowberry*	13%
English ivy**	9%
Soft rush*	15%
Serviceberry*	5%
Robert geranium**	35%

\* = Native species

\*\* = Invasive species / Noxious weed

**VC2A, DP6:**

>50% Tree canopy cover (60% exists).  
 92% of trees are native.  
 < 80% cover by native trees, shrubs, &  
 groundcover (48% exists).  
 >10% cover by invasive species/noxious  
 weeds (45% exists).

**Vegetated Corridor Condition =  
 Marginal.**

**VC2B, DP7:**

>50% tree canopy cover (65% exists).  
 95% of trees are native.  
 Almost 80% cover by native trees, shrubs,  
 & groundcover (77% exists).  
 10% cover by invasive species/noxious  
 weeds.

**Vegetated Corridor Condition =  
 Almost Good.**



Vegetated Corridor Community 1A, DP1  
Riparian Deciduous Forest in Almost Good Condition



Vegetated Corridor Community 1B, DP #1  
Riparian Deciduous Forest in Marginal Condition





Vegetated Corridor Community 2A, DP #3  
Riparian Deciduous Forest in Marginal Condition



Vegetated Corridor Community 2B, DP #4  
Riparian Mixed Forest in Marginal Condition



Vegetated Corridor Community 3A, DP #6  
Riparian Deciduous Forest in Marginal Condition



Vegetated Corridor Community 3B, DP #7  
Upland Mixed Forest in Almost Good Condition

**Tualatin Hills Park and Recreation District Natural Resources Management Plan**

(Copy on file in the Metro Council office due to size of document)



**CITY OF BEAVERTON**  
 Community Development Department  
 Planning Division  
 4755 SW Griffith Drive  
 PO Box 4755  
 Beaverton, OR. 97076  
 Tel: (503) 526-2420  
 Fax: (503) 526-3720  
[www.beavertonoregon.gov](http://www.beavertonoregon.gov)

OFFICE USE ONLY	
FILE #:	_____
FILE NAME:	_____
TYPE:	RECEIVED BY: _____
FEE PAID:	CHECK/CASH: _____
SUBMITTED:	LWI DESIG: _____
LAND USE DESIG:	NAC: _____

## DEVELOPMENT APPLICATION- DESIGN REVIEW COMPLIANCE LETTER

PROPERTY OWNER(S): see attached  
 ADDRESS: \_\_\_\_\_  
 \_\_\_\_\_

PHONE: \_\_\_\_\_  
 FAX: \_\_\_\_\_  
 E-MAIL: \_\_\_\_\_

APPLICANT: Tualatin Hills Park & Recreation District (THPRD)  
 ADDRESS: 5500 SW Arctic Drive, Suite #2  
Beaverton, Oregon 97005

PHONE: 503.629.6305.x2931  
 FAX: 503.629.6307  
 E-MAIL: bhauschild@thprd.org

SITE ADDRESS: N of Fanno Creek; S of Allen Blvd; between  
Hwy 217 and SW 105<sup>th</sup> (see attached)

MAP & TAX LOT #: see attached  
 ZONING DISTRICT: IP & CI

As property owner or authorized agent, I hereby authorize the filing of this Design Review Compliance Letter application. I have provided all the items required by this two (2) page submittal checklist. I understand that any missing information, omissions or both may result in the application being deemed incomplete, which may lengthen the time required to process the application. As property owner or authorized agent, I hereby attest that the subject proposal meets each of the approval criteria for a Type 1 Design Review Compliance Letter.

Print Name	Signature (Original Signature Required)	Date
------------	---	------

\*\*\*\*\*

**Please provide a brief project description:** \_\_\_\_\_

THPRD is proposing to construct a trail through the wooded area located north of Fanno Creek between the former Greenwood Inn site (east of Hwy 217) and SW Scholls Ferry Road (at the City of Beaverton Operations Facility). The trail will be asphalt and 10' wide with 1' wide gravel shoulders. (See attached narrative for details)

\*\*\*\*\*

### DESIGN REVIEW PROJECT INFORMATION

*The following worksheet is intended to assist in the preparation and review of your application. Although it is not intended to be a comprehensive list, the below information will help determine which design standards (from Section 60.05) may be applicable and what additional information may be needed for the review of your project. For a complete listing of all design standards and code sections, please refer to the Beaverton Development Code (ORD 2050).*

**Please provide the following project information:**

Existing site size	<b>trail</b>	Number of existing parking spaces	<b>0</b>
Existing building square footage	<b>0</b>	Number of total proposed parking spaces	<b>0</b>
Square footage of proposed building addition	<b>0</b>	Square footage of existing landscaped area	<b>0</b>
		Square footage of proposed landscaped area	<b>0</b>

To help determine which design standards (from Section 60.05) are applicable to your project, please answer the following questions and provide the necessary information:

Please Circle

<p><b>Are modifications proposed to the exterior of an existing structure?</b>                  If yes, please list these modifications in your project description and show the modifications on the plans. It may also be helpful to provide an existing conditions and/or an existing elevations plan and/or photographs of the existing structure.</p>	Yes	NO
<p><b>Is new rooftop equipment proposed with this project?</b>                  If yes, a screening plan is required to show compliance with Section 60.05.15.5.</p>	Yes	NO
<p><b>Does the site abut a Major Pedestrian Route (see map in Section 60.05.55)?</b>                  If yes, please note that several design standards are applicable only when the site abuts a Major Pedestrian Route.</p>	Yes	NO
<p><b>Does the project involve new or changes to existing loading areas, solid waste facilities or exterior mechanical equipment?</b>                  If yes, please see Section 60.05.20.2 for applicable design standards.</p>	Yes	NO
<p><b>Does the project involve changes to the parking lot or pedestrian walkways?</b>                  If yes, please see Sections 60.05.20.3-8 for applicable design standards.</p>	Yes	NO
<p><b>Does the project involve changes to the existing landscaping or is new landscaping proposed?</b>                  If yes, please provide a landscape plan which clearly shows the landscaped area and specifies the planting materials, including species and planting size.</p>	YES	Ne
<p><b>Is a retaining wall, fence or wall proposed?</b>                  If yes, please see Sections 60.05.25.5-6 for specific design standards.</p>	YES	Ne
<p><b>Is grading of the site proposed?</b>                  If yes, please provide a grading plan. If the site is within or abuts a residential zone, please see Section 60.05.25.7 for specific grading standards.</p>	YES	Ne
<p><b>Is new lighting or a change to existing lighting proposed with this project?</b>                  If yes, lighting specifications and a lighting plan are required. Please see Section 60.05.30 and Table 60.05-1 of the Development Code.</p>	Yes	NO

To help determine whether the proposed project complies with the requirements of Chapter 60, please answer the following questions and provide the necessary information:

<p><b>Is a building addition or change to an existing <u>loading</u> area proposed?</b>                  If yes, please see Section 60.25 for off-street loading requirements. Please also complete the following information:</p>				Yes	NO
<b>Existing:</b>	<b>Type of Use</b> _____	<b>Floor Area (s.f.)</b> _____	<b>Total Number of Existing Loading Berths</b> _____		
<b>Proposed:</b>	<b>Type of Use</b> _____	<b>Floor Area (s.f.)</b> _____	<b>Total Number of Loading Berths Proposed</b> _____		
<p><b>Is a building addition or change to an existing <u>parking</u> area proposed?</b>                  If yes, please see Section 60.30 for off-street parking requirements. Please also complete the following information and attach additional information if necessary:</p>				Yes	NO
<b>Existing:</b>	<b>Type of Use</b> _____	<b>Floor Area (s.f.)</b> _____	<b>Existing Number of parking spaces</b> _____		
<b>Proposed:</b>	<b>Type of Use</b> _____	<b>Floor Area (s.f.)</b> _____	<b>Number of new spaces</b> _____ <b>Total number of spaces</b> _____		
<p><b>Are any trees proposed for removal?</b>                  If yes, please contact staff at (503) 526-2420 to determine whether the trees are Significant or Historic. If the trees are landscape trees, please see Section 60.60.25.9 and in your written statement please address how your proposal meets this section of the Development Code.</p>				YES	Ne

# DESIGN REVIEW COMPLIANCE LETTER

## SUBMITTAL CHECKLIST

### WRITTEN STATEMENT REQUIREMENTS

- A. APPLICATION FORM, DESIGN REVIEW PROJECT INFORMATION AND CHECKLIST.** Provide **one (1) completed** application form, Design Review Project Information and checklist with original signature.
- B. WRITTEN STATEMENT.** Submit **three (3) copies** of a detailed description of the proposed project including, but not limited to, the changes to the site, structure, landscaping, parking, and land use. Please include a description of the location of the proposed modifications, materials to be used, sizes, colors, and square footage as appropriate to the situation. You may include copies of illustrations from catalogs to *supplement* the narrative.

### PLANS & GRAPHIC REQUIREMENTS

All plans, except architectural elevations, shall be presented at a minimum of 1" = 20' engineering scale and on a maximum sheet size of **24" x 36"**. Architectural elevations may be presented at an architectural scale.

Each of the following plans and drawings shall be submitted on **separate sheets**. If the size of the project requires the use of match line sets, each set of match line sets must include a sheet (at a scale to fit a 24" x 36" sheet) depicting the entire site, including match lines, as a cover sheet.

#### ***Include all of the following information:***

- A. SITE PLAN:** Submit **three (3) copies** of a site plan of the entire property. The site plan should clearly show all proposed site changes. If the plan is not to scale, it must be fully dimensioned. Label and show the location of:
- |   |                                     |   |
|---|-------------------------------------|---|
| <input type="checkbox"/> abutting streets | <input type="checkbox"/> structures | <input type="checkbox"/> landscaped areas         |
| <input type="checkbox"/> property lines   | <input type="checkbox"/> parking    | <input type="checkbox"/> proposed square footages |
| <input type="checkbox"/> setbacks         | <input type="checkbox"/> driveways  |   |
- existing easements and utilities located within 25 feet of any proposed outside modifications
- existing and approved vehicular, pedestrian, and bicycle connections

Also, if the proposal changes the amount of existing parking spaces or striping in any way, you must document how many spaces currently exist, how many are required for the existing/proposed use, and how the net result is not less than the minimum number of required spaces.

- B. ARCHITECTURAL ELEVATIONS:** Submit **three (3) copies** of drawings that depict the character of the proposed building(s) and structure(s) (these include buildings, retaining walls, refuse storage facilities, play structures, fences and the like). These drawing should include dimensions of the building(s) and structure(s) and indicate the proposed materials, colors, and textures.

### OTHER

- A. FEES,** as established by the City Council. Make checks payable to the City of Beaverton.
- B. OTHER WRITTEN & PLAN INFORMATION.** In addition to the above materials, submit **three (3) copies** of written and plan information that is required by the Design Review Project Information form.
- C. CLEAN WATER SERVICES (CWS) DOCUMENTATION.** For projects involving a building addition or site modifications, written documentation from Clean Water Services is required stating that water quality will not be adversely affected by the subject proposal. For more information, please contact Chuck Buckallew, Site Assessment Coordinator, at (503) 681-3605 or [buckallewc@cleanwaterservices.org](mailto:buckallewc@cleanwaterservices.org).



## CITY OF BEAVERTON

Community Development Department  
 Planning Division  
 4755 SW Griffith Drive  
 PO Box 4755  
 Beaverton, OR 97076  
 Tel: (503) 526-2420  
 Fax: (503) 526-3720  
[www.beavertonoregon.gov](http://www.beavertonoregon.gov)

# DESIGN REVIEW COMPLIANCE LETTER - APPROVAL CRITERIA

**THE FOLLOWING IS A LIST OF THE APPROVAL CRITERIA FOR A DESIGN REVIEW COMPLIANCE LETTER, AS SPECIFIED IN SECTION 40.20.15.1.C OF THE DEVELOPMENT CODE.**

**STAFF WILL REVIEW YOUR PROPOSAL FOR COMPLIANCE WITH THESE APPROVAL CRITERIA AND THE RELEVANT CODE SECTIONS. A PROPOSAL MUST MEET ALL APPLICABLE APPROVAL CRITERIA IN ORDER TO HAVE AN APPROVABLE PROJECT.**

1. The proposal satisfies the threshold requirements for a Design Compliance Review Letter.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
4. The proposal meets all applicable Site Development Requirements of Sections 20.05.50, 20.10.50, 20.15.50, and 20.20.50 of this Code unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance application which shall be already approved or considered concurrently with the subject proposal.
5. The proposal, which is not an addition to an existing building, is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards).
6. If applicable, the proposed addition to an existing building, and only that portion of the building containing the proposed addition, complies with the applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) as they apply to the following:
  - a. Building articulation and variety (Section 60.05.15.1).
  - b. Roof forms (Section 60.05.15.2).
  - c. Primary building entrances (Section 60.05.15.3).
  - c. Building materials (Section 60.05.15.4).
  - d. Foundation landscaping requirements (Section 60.05.25.3.D).
  - e. Screening roof-mounted equipment requirements (Section 60.05.15.5).
  - f. Screening loading areas, solid waste facilities and similar improvements (Section 60.05.20.2).
  - g. Lighting requirements (Section 60.05.30).
  - h. Pedestrian circulation
7. The proposal complies with all applicable provisions in Chapter 60 (Special Regulations).
8. Except for conditions requiring compliance with approved plans, the proposal does not modify any conditions of approval of a previously approved Type 2 or Type 3 application.
9. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.



**CITY OF BEAVERTON**  
 Community Development Department  
 Planning Division  
 4755 SW Griffith Drive  
 PO Box 4755  
 Beaverton, OR. 97076  
 Tel: (503) 526-2420  
 Fax: (503) 526-3720  
[www.beavertonoregon.gov](http://www.beavertonoregon.gov)

OFFICE USE ONLY	
FILE #:	_____
FILE NAME:	_____
TYPE:	RECEIVED BY: _____
FEE PAID:	CHECK/CASH: _____
SUBMITTED:	LWI DESIG: _____
LAND USE DESIG:	NAC: _____

## DEVELOPMENT APPLICATION- TREE PLAN

PLEASE SELECT THE SPECIFIC TYPE OF TREE PLAN FROM THE FOLLOWING LIST:

<input type="checkbox"/> TYPE 1 TREE PLAN ONE	<input type="checkbox"/> TYPE 2 TREE PLAN TWO
<input type="checkbox"/> TYPE 3 TREE PLAN THREE	<input type="checkbox"/> TYPE 1 COMMERCIAL TIMBER HARVEST

**APPLICANT:**  Use mailing address for meeting notification.  Check box if Primary Contact

COMPANY: Tualatin Hills Park & Recreation District (THPRD)  
 ADDRESS: 5500 SW Arctic Drive, Suite #2  
 (CITY, STATE, ZIP) Beaverton, Oregon 97005  
 PHONE: 503.629.6305.x2931 FAX: 503.629.6307 E-MAIL: bhauschild@thprd.org  
 SIGNATURE: \_\_\_\_\_ CONTACT: Brad Hauschild, Park Planner  
*(Original Signature Required)*

**APPLICANT'S REPRESENTATIVE:**  Check box if Primary Contact

COMPANY: Alta Planning + Design  
 ADDRESS: 711 SE Grand Avenue  
 (CITY, STATE, ZIP) Portland, Oregon 97214  
 PHONE: 503.230.9862 FAX: 503.230.9864 E-MAIL: mikerose@altaplanning.com  
 SIGNATURE: \_\_\_\_\_ CONTACT: Mike Rose, Landscape Architect  
*(Original Signature Required)*

**PROPERTY OWNER(S):**  Attach separate sheet if needed.  Check box if Primary Contact

COMPANY: multiple properties (see attached)  
 ADDRESS: \_\_\_\_\_  
 (CITY, STATE, ZIP) \_\_\_\_\_  
 PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_ E-MAIL: \_\_\_\_\_  
 SIGNATURE: \_\_\_\_\_ CONTACT: \_\_\_\_\_  
*(Original Signature Required)*

### PROPERTY INFORMATION (REQUIRED)

SITE ADDRESS: <u>multiple properties (see attached)</u>	AREA TO BE DEVELOPED (s.f.): <u>60,000</u>
ASSESSOR'S MAP & TAX LOT # <u>see attached</u>	EXISTING USE OF SITE: <u>undeveloped open space</u> <u>along back edge of industrially zoned development</u>
LOT SIZE _____	PROPOSED DEVELOPMENT ACTION: <u>construction</u> <u>of a 10' wide, multiple-use regional trail</u>
ZONING DISTRICT _____	PRE-APPLICATION DATE: <u>November 29, 2006</u>
_____	
_____	





**CITY OF BEAVERTON**  
 Community Development Department  
 Planning Division  
 4755 SW Griffith Drive  
 PO Box 4755  
 Beaverton, OR. 97076  
 Tel: (503) 526-2420  
 Fax: (503) 526-3720  
[www.beavertonoregon.gov](http://www.beavertonoregon.gov)

**TREE PLAN**

**TREE PLAN SUBMITTAL CHECKLIST**

**WRITTEN STATEMENT REQUIREMENTS - REQUIRED FOR ALL TREE PLAN APPLICATIONS**

- A. APPLICATION FORM.** Provide **one (1) completed** application form with original signature(s).
- B. CHECKLIST.** Provide **one (1) completed** copy of this four (4) page checklist.
- C. WRITTEN STATEMENT.** Submit **three (3) copies** of a detailed description of the proposed project including, but not limited to, the changes to the site, structure, landscaping, parking, and land use.
  - Provide individual findings specifically addressing how and why the proposal satisfies each of the approval criteria specified in Section 40.90 (Tree Plan) of the City's *Development Code* (ORD 2050) [attached] for the relevant type of tree plan application.
  - Address all applicable provisions of Section 60.60 (Trees & Vegetation) of the Development Code.
- D. FEES,** as established by the City Council. Make checks payable to the City of Beaverton.
- E. SITE ANALYSIS INFORMATION.**

<ul style="list-style-type: none"> <li><input type="checkbox"/> Proposed parking modification: <u>    0    </u> sq. ft.</li> <li>Proposed number of parking spaces: <u>    0    </u></li> <li>Proposed use: <u>    regional trail    </u></li> <li>Parking requirement: <u>    0    </u></li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Existing building height: <u>    0    </u> ft.</li> <li>Proposed building height: <u>    0    </u> ft</li> <li>Existing building area: <u>    0    </u> sq. ft.</li> <li>Proposed building modification: <u>    0    </u> sq. ft.</li> </ul>
<ul style="list-style-type: none"> <li><input type="checkbox"/> Existing parking area: <u>    0    </u> sq. ft.</li> <li>Existing number of parking spaces: <u>    0    </u></li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Existing landscaped area: <u>    0    </u> sq. ft.</li> <li>Percentage of site: <u>    0    </u> %</li> <li>Proposed landscape modification: <u>    0    </u> sq. ft.</li> <li>Percentage of site: <u>    0    </u> %</li> </ul>
- F. CLEAN WATER SERVICES (CWS) DOCUMENTATION.** Pursuant to Section 50.10.1.A of the Development Code, all development proposals are required to provide written documentation from Clean Water Services (formerly Unified Sewerage Agency) stating that water quality will not be adversely affected by the subject proposal. Therefore, the City recommends that you contact CWS in order to obtain the required documentation. For more information, please contact Chuck Buckallew, Site Assessment Coordinator, at (503)681-3605 or [buckallewc@cleanwaterservices.org](mailto:buckallewc@cleanwaterservices.org).
- G. PRE-APPLICATION CONFERENCE NOTES. (REQUIRED FOR TYPE 2, 3, & 4 APPLICATIONS ONLY)**  
 Provide a copy of the pre-application conference summary as required by the City's *Development Code Section 50.25.1.E*. The Pre-Application Conference must be held within the one (1) year prior to the submission date of the proposed project application.

**H. NEIGHBORHOOD REVIEW MEETING. (REQUIRED FOR TYPE 3 APPLICATIONS ONLY)**

Provide the following information as required by the City's *Development Code Section 50.10.2*. The Neighborhood Review Meeting must be held within the six (6) months prior to the submission date of the proposed project application.

- 1. A copy of the meeting notice mailed to surrounding property owners and the NAC Representative
- 2. A copy of the mailing list used to mail out the meeting notice.
- 3. A written statement representative of the on-site posting notice.
- 4. Affidavits of mailing and posting
- 5. Representative copies of written materials and plans presented at the Neighborhood Review Meeting.
- 6. Meeting minutes that include date, time and location, as well as, oral and written comments received.
- 7. Meeting sign-in sheet that includes names and address of attendees.
- 8. Documentation verifying that the meeting minutes and sign-in sheets have been provided to the NAC representative.



**I. OTHER REQUIREMENTS.** Provide documentation showing that the project proposed is permitted by, or satisfies the requirements of, other agencies and/or jurisdictions OR submit a schedule that details the forecasted submission and approval timelines for permits/applications to the respective agencies and/or jurisdictions.

## PLANS & GRAPHIC REQUIREMENTS - REQUIRED FOR ALL TREE PLAN APPLICATIONS

All plans shall be presented at a minimum of 1" = 20' engineering scale and on a maximum sheet size of 24" x 36". **A total of three (3) copies of each plan shall be submitted, unless otherwise noted. All plans shall be folded to fit a legal size file jacket.**

Each of the following plans and drawings shall be submitted on separate sheets. If the size of the project requires the use of match line sets, each set of match line sets must include a sheet (at a scale to fit a 24" x 36" sheet) depicting the entire site, including match lines, as a cover sheet.

***Include the following information as indicated:***



**A. EXISTING CONDITIONS PLAN (Required for Tree Plan Two and Tree Plan Three only):**

- 1. North arrow, scale and date of plan.
- 2. Vicinity map.
- 3. The entire lot(s), including area and property lines dimensioned.
- 4. Points of existing access, interior streets, driveways, and parking areas.
- 5. Location of all existing buildings and structures, including refuse storage locations, pedestrian/bike paths, swimming pools, tennis courts, tot lots, and lighting.
- 6. Existing right-of-way and improvements.
- 7. Dimension from centerline to edge of existing right-of-way.
- 8. Existing topographical information, showing 2 ft. contours.
- 9. Surrounding development and conditions within 100 ft. of the property such as zoning, land uses, buildings, driveways, and trees.
- 10. Location of existing public and private utilities, easements, and 100-year floodplain.
- 11. Location, quantities, size (diameter breast height), genus and species Significant Trees and Groves, Historic Trees, Trees within a Significant Natural Resource Area, and Community Trees, and identification of whether they are proposed to be removed or proposed to remain, as applicable. Trees within Significant Natural Resource Areas and Significant Groves are trees greater than 6" DBH for western hemlock (*Tsuga heterophylla*), mountain hemlock (*Tsuga mertensiana*), Pacific madrone (*Arbutus andrachne*) and big-leaf maple (*Acer macrophyllum*). All other trees measuring at least 10" DBH shall be shown on the site plan. Community Trees are measured at 10" DBH and are not trees that are grown for the purpose of bearing edible fruits or nuts for human consumption.

- 12. Existing drip line canopy of individual trees or grove of trees.
- 13. Existing root zone of each tree. Root zone is defined as an area 5 feet beyond the drip line of the tree.
- 14. Sensitive areas, as defined by Clean Water Services (CWS) standards.
- 15. Wetland boundaries, upland wooded area boundaries, riparian area boundaries, rock outcroppings, and streams. *Wetlands must be professionally delineated.*
- 16. Tree Mitigation Table demonstrating the DBH of the surveyed trees on site, separated into conifer and deciduous categories, the DBH proposed for removal, how the DBH meets or exceeds the removal threshold, identifying the Mitigation Threshold (50% of the surveyed tree DBH on the site), the DBH to be mitigated and whether the DBH is to be mitigated on site, off site, or fee in lieu. An example table is given following 60.60.25.7.

**B. DIMENSIONED SITE PLAN. *The dimensioned site plan shall be required for Tree Plan 2 and 3 proposals and shall address the proposed development of a site pertaining to impacts to trees, and shall specify as applicable the following:***

- 1. North arrow, scale and date of plan.
- 2. The entire lot(s), including area, property lines dimensioned and labeled "front," "side," and "rear."
- 3. Location, quantities, size (diameter breast height), genus and species of Significant Trees and Groves, Historic Trees, Trees within a Significant Natural Resource Area, and Community Trees, and identification of whether they are proposed to be removed or proposed to remain, as applicable. Trees within Significant Natural Resource Areas and Significant Groves are trees greater than 6" DBH for western hemlock (*Tsuga heterophylla*), mountain hemlock (*Tsuga mertensiana*), Pacific madrone (*Arbutus andrachne*) and big-leaf maple (*Acer macrophyllum*). All other trees measuring at least 10" DBH shall be shown on the site plan. Community Trees measure at least 10" DBH and are not trees that are grown for the purpose of bearing edible fruits or nuts for human consumption. Preserved trees shall be set aside in a separate tract, if the project includes a subdivision. Preserved trees shall be set aside in a conservation easement, if the project does not include a subdivision.
- 4. Dimensioned footprints of all structures and dimensioned area of all on-site parking and landscaped areas, and their lineal distance from trees proposed to be removed, to remain, or trees to be planted for mitigation.
- 5. Dimensioned tree mitigation areas specifying the location, quantities, size (diameter breast height), genus and species of trees within the mitigation area(s) identified, if applicable. Mitigation areas are to be set aside in a separate tract, if the project includes a subdivision. If the project does not include a subdivision, the mitigation trees must be set aside in a conservation easement.
- 6. Drip line canopy of individual trees or grove of trees.
- 7. Root zone area of each tree to be protected. Root zone is defined as an area 5 feet beyond the drip line of the tree.
- 8. Construction disturbance areas and methods to minimize construction impact including but not limited to the identification and location of construction fencing, the identification and location of erosion control measures, and the location of construction access roads including access to the public right-of-way.
- 9. Sensitive areas, as defined by CWS standards.
- 10. Wetland boundaries, upland wooded area boundaries, riparian area boundaries, rock outcroppings, and streams. *Wetlands must be professionally delineated.*
- 11. Location of storm water quality/detention facilities.
- 12. Boundaries of development phases, if applicable.
- 13. Site grading information, showing 2 ft. contours.
- 14. Proposed right-of-way, dedications and improvements.
- 15. Dimension from centerline to edge of proposed right-of-way.

- C. **DIMENSIONED SITE PLAN FOR PRUNING ONLY ACTIVITIES. *For Type 1 Major Pruning as specified in 40.90.15.1.A.1 of the Development Code:***
  - 1. North arrow, scale and date of plan.
  - 2. The entire lot(s), including area, property lines dimensioned and labeled “front,” “side,” and “rear.”
  - 3. Location, quantities, size (diameter breast height), genus and species of Significant Trees, Significant Groves, Trees within a Significant Natural Resource Area, or Historic Trees proposed for major pruning.
  - 4. Identification of tree canopies to be affected, and the percentage loss of total canopy amount for each impacted tree.
  
- D. **DIMENSIONED SITE PLAN FOR TREE PLAN 1 APPLICATIONS, OTHER THAN PRUNING. *The dimensioned site plan shall be required for all Tree Plan 1 proposals and shall address the proposed development of a site pertaining to impacts to trees, and shall specify as applicable the following:***
  - 1. North arrow, scale and date of plan.
  - 2. The entire lot(s), including area, property lines dimensioned and labeled “front,” “side,” and “rear.”
  - 3. Location, quantities, size (diameter breast height), genus and species of Significant Trees and Groves, Historic Trees, Trees within a Significant Natural Resource Area, and Community Trees, and identification of whether they are proposed to be removed or proposed to remain, as applicable. Trees within Significant Natural Resource Areas and Significant Groves are trees greater than 6” DBH for western hemlock (*Tsuga heterophylla*), mountain hemlock (*Tsuga mertensiana*), Pacific madrone (*Arbutus andrachne*) and big-leaf maple (*Acer macrophyllum*). All other trees measuring at least 10” DBH shall be shown on the site plan. Community Trees measure at least 10” DBH and are not trees that are grown for the purpose of bearing edible fruits or nuts for human consumption. Preserved trees shall be set aside in a separate tract, if the project includes a subdivision. Preserved trees shall be set aside in a conservation easement, if the project does not include a subdivision.
  - 4. Dimensioned footprints of all trails, structures, and dimensioned area of all on-site parking and landscaped areas, and their lineal distance from trees identified in #3 above.
  - 5. Drip line canopy of trees identified in #3 above.
  - 6. Root zone area of each tree to be protected. Root zone is defined as an area 5 feet beyond the drip line of the tree.
  - 7. Construction disturbance areas and methods to minimize construction impact including but not limited to the identification and location of construction fencing, the identification and location of erosion control measures, and the location of construction access roads including access to the public right-of-way.
  - 8. Sensitive areas, as defined by CWS standards.
  - 9. Wetland boundaries, upland wooded area boundaries, riparian area boundaries, rock outcroppings, and streams. *Wetlands must be professionally delineated.*
  - 10. Location of storm water quality/detention facilities.
  - 11. Site grading information, showing 2 ft. contours.
  - 12. Proposed right-of-way, dedications and improvements.
  - 13. Dimension from centerline to edge of proposed right-of-way.
  - 14. Description of finished trail surface.

***I have provided all the items required by this four (4) page submittal checklist. I understand that any missing information, omissions or both may result in the application being deemed incomplete, which may lengthen the time required to process the application.***

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## CITY OF BEAVERTON

Community Development Department  
Planning Division  
4755 SW Griffith Drive  
PO Box 4755  
Beaverton, OR 97076  
Tel: (503) 526-2420  
Fax: (503) 526-3720  
[www.beavertonoregon.gov](http://www.beavertonoregon.gov)

---

# TYPE 1 TREE PLAN ONE - APPROVAL CRITERIA

---

**PURSUANT TO SECTION 50.25.1.B OF THE DEVELOPMENT CODE, A WRITTEN STATEMENT ADDRESSING THE APPROVAL CRITERIA FOR AN APPLICATION MUST BE SUBMITTED IN ORDER FOR AN APPLICATION TO BE DEEMED COMPLETE. STATEMENTS SUCH AS “NOT APPLICABLE” OR “THE PROPOSAL WILL COMPLY WITH APPLICABLE DEVELOPMENT REGULATIONS” ARE NOT SATISFACTORY. THE WRITTEN STATEMENT MUST ADDRESS EACH CRITERION AND MUST SPECIFY IN DETAIL HOW EACH WILL BE COMPLIED WITH.**

An applicant for Tree Plan One shall address compliance with all of the following Approval Criteria as specified in 40.90.15.1.C.1-6 of the Development Code:

- 1. The proposal satisfies the threshold requirements for a Tree Plan One application.
- 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
- 3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
- 4. If applicable pruning is necessary to improve tree health or to eliminate conflicts with vehicles or structures which includes, but is not limited to, underground utilities and street improvements.
- 5. If applicable, the removal of vegetation or clearing and grubbing is necessary to accommodate the physical development in the area in which the removal is proposed.
- 6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.



## CITY OF BEAVERTON

Community Development Department  
 Planning Division  
 4755 SW Griffith Drive  
 PO Box 4755  
 Beaverton, OR 97076  
 Tel: (503) 526-2420  
 Fax: (503) 526-3720  
[www.beavertonoregon.gov](http://www.beavertonoregon.gov)

---

## TYPE 2 TREE PLAN TWO - APPROVAL CRITERIA

---

**PURSUANT TO SECTION 50.25.1.B OF THE DEVELOPMENT CODE, A WRITTEN STATEMENT ADDRESSING THE APPROVAL CRITERIA FOR AN APPLICATION MUST BE SUBMITTED IN ORDER FOR AN APPLICATION TO BE DEEMED COMPLETE. STATEMENTS SUCH AS “NOT APPLICABLE” OR “THE PROPOSAL WILL COMPLY WITH APPLICABLE DEVELOPMENT REGULATIONS” ARE NOT SATISFACTORY. THE WRITTEN STATEMENT MUST ADDRESS EACH CRITERION AND MUST SPECIFY IN DETAIL HOW EACH WILL BE COMPLIED WITH.**

An applicant for Tree Plan Two shall address compliance with all of the following Approval Criteria as specified in 40.90.15.2.C.1-14 of the Development Code:

- 1. The proposal satisfies the threshold requirements for a Tree Plan Two application.
- 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
- 3. If applicable, removal of a Community Tree(s) is necessary to enhance the health of the tree, grove, or group of trees, or an adjacent tree or to eliminate conflicts with structures or vehicles.
- 4. If applicable, removal of any tree is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.
- 5. If applicable, removal of any tree is necessary to accommodate physical development where no reasonable alternative exists
- 6. If applicable, removal of any tree is necessary because it has become a nuisance by virtue of damage to property or improvements, either public or private, on the subject site or adjacent sites.
- 7. If applicable, removal of any tree is necessary to accomplish public purposes, such as installation of public utilities, street widening, and similar needs, where no reasonable alternative exists without significantly increasing public costs or reducing safety.
- 8. If applicable, removal of any tree is necessary to enhance the health of the tree, grove, SNRA, or adjacent trees to eliminate conflicts with structures or vehicles.
- 9. If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in a reversal of the original determination that the SNRA or Significant Grove is significant based on criteria use in making the original significance determination.
- 10. If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in the remaining trees posing a safety hazard due to the effects of windthrow.
- 11. The proposal is consistent with all applicable provisions of Section 60.60 Trees and Vegetation and Section 60.67 Significant Natural Resources.

- ❑ 12. Grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.
- ❑ 13. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
- ❑ 14. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.



## CITY OF BEAVERTON

Community Development Department  
 Planning Division  
 4755 SW Griffith Drive  
 PO Box 4755  
 Beaverton, OR 97076  
 Tel: (503) 526-2420  
 Fax: (503) 526-3720  
[www.beavertonoregon.gov](http://www.beavertonoregon.gov)

---

# TYPE 3 TREE PLAN THREE - APPROVAL CRITERIA

---

**PURSUANT TO SECTION 50.25.1.B OF THE DEVELOPMENT CODE, A WRITTEN STATEMENT ADDRESSING THE APPROVAL CRITERIA FOR AN APPLICATION MUST BE SUBMITTED IN ORDER FOR AN APPLICATION TO BE DEEMED COMPLETE. STATEMENTS SUCH AS “NOT APPLICABLE” OR “THE PROPOSAL WILL COMPLY WITH APPLICABLE DEVELOPMENT REGULATIONS” ARE NOT SATISFACTORY. THE WRITTEN STATEMENT MUST ADDRESS EACH CRITERION AND MUST SPECIFY IN DETAIL HOW EACH WILL BE COMPLIED WITH.**

An applicant for Tree Plan Three shall address compliance with all of the following Approval Criteria as specified in 40.90.15.3.C.1-15 of the Development Code:

- 1. The proposal satisfies the threshold requirements for a Tree Plan Three application.
- 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
- 3. If, applicable, removal of a diseased tree or a tree is necessary because the tree has been weakened by age, storm fire, or other condition.
- 4. If applicable, removal is necessary to enhance the health of the grove or adjacent tree(s) to reduce maintenance, or to eliminate conflicts with structures or vehicles.
- 5. If applicable, removal is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.
- 6. If applicable, removal is the minimum necessary to accommodate physical development because no reasonable alternative exists for the development at another location on the site and variances to setback provisions of the Development Code will not allow the tree(s) to be saved or will cause other undesirable circumstances on the site or adjacent properties.
- 7. If applicable, removal is necessary because a tree has become a nuisance by virtue of damage to personal property or improvements, either public or private, on the subject site or on an adjacent site.
- 8. If applicable, removal is necessary to accomplish a public purpose, such as installation of public utilities, street widening, and similar needs where no reasonable alternative exists without significantly increasing public costs or reducing safety.
- 9. If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in the remaining trees posing a safety hazard due to the effects of windthrow.
- 10. If applicable, removal of a tree or trees within a SNRA will not reduce the size of the grove to a point where the remaining trees may pose a safety hazard due to the effects of windthrow.
- 11. If applicable, removal of a tree within a Historic Grove will not substantially reduce the significance of the grove in terms of its original designation on the list of Historic Groves.



- 12. The proposal is consistent with all applicable provisions of Section 60.60 Trees and Vegetation and Section 60.67 Significant Natural Resources.
- 13. Grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.
- 14. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
- 15. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.



## CITY OF BEAVERTON

Community Development Department  
Planning Division  
4755 SW Griffith Drive  
PO Box 4755  
Beaverton, OR 97076  
Tel: (503) 526-2420  
Fax: (503) 526-3720  
[www.beavertonoregon.gov](http://www.beavertonoregon.gov)

---

# TYPE 1 COMMERCIAL TIMBER HARVEST- APPROVAL CRITERIA

---

**PURSUANT TO SECTION 50.25.1.B OF THE DEVELOPMENT CODE, A WRITTEN STATEMENT ADDRESSING THE APPROVAL CRITERIA FOR AN APPLICATION MUST BE SUBMITTED IN ORDER FOR AN APPLICATION TO BE DEEMED COMPLETE. STATEMENTS SUCH AS “NOT APPLICABLE” OR “THE PROPOSAL WILL COMPLY WITH APPLICABLE DEVELOPMENT REGULATIONS” ARE NOT SATISFACTORY. THE WRITTEN STATEMENT MUST ADDRESS EACH CRITERION AND MUST SPECIFY IN DETAIL HOW EACH WILL BE COMPLIED WITH.**

An applicant for Tree Plan One – Commercial Timber Harvest shall address compliance with all of the following Approval Criteria as specified in 40.90.15.4.C.1-5 of the Development Code:

- 1. The proposal satisfies the threshold requirements for a Commercial Timber Harvest application.
- 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
- 3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.
- 4. The harvest of timber will leave no less than ten (10) living, healthy, and upright trees per acre each of which measure at least ten (10) inches in diameter at four (4) feet above grade.
- 5 Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

# **THPRD Fanno Creek Trail (Scholls Ferry Road to BSD Bus Barn) Design Review Compliance Letter Application**



**City of Beaverton, Oregon  
19 December 2008**

Applicant:  
**Tualatin Hills Park & Recreation District**  
5500 SW Arctic Drive, Suite #2  
Beaverton, Oregon 97005  
Contact: Brad Hauschild, Park Planner  
503.629.6305.x2931  
[bhauschild@thprd.org](mailto:bhauschild@thprd.org)

**GENERAL INFORMATION**

Owner/Applicant:

**Tualatin Hills Park & Recreation District**

5500 SW Arctic Drive, Suite #2  
Beaverton, Oregon 97005

**Contact: Brad Hauschild, Park Planner**

Phone: 503.629.6305.x 2931

Fax: 503.629.6307

Email: [bhauschild@thprd.org](mailto:bhauschild@thprd.org)

Landscape Architect: **Alta Planning + Design**

711 SE Grand Avenue  
Portland, Oregon 97214

**Contact: Mike Rose, Landscape Architect**

Phone: 503.230.9862

Fax: 503.230.9864

Email: [mikerose@altaplanning.com](mailto:mikerose@altaplanning.com)

Property Owners:

**Beaverton School District**

16550 SW Merlo Road  
Beaverton, Oregon 97006

**Contact: Dick Steinbrugge, Executive Administrator  
for Facilities**

Phone: 503.591.4449

Fax: 503.

Email: [Richard.steinbrugge@beaverton.k12.or.us](mailto:Richard.steinbrugge@beaverton.k12.or.us)

**American Property Management, Inc.**

Portland, Oregon 972

**Contact: Steve Burg, Director of Commercial  
Property**

Phone: 503.281.7779.x238

Fax: 503.460.2616

Email: [sburg@apmportland.com](mailto:sburg@apmportland.com)

**Harsch Property Investments, LLC**

1121 AQ Salmon Street  
Portland, Oregon 97205

**Contact: Jeff Nudelman**

Phone: 503.242.2900

Fax: 503.274.2093

Email: [jeffn@harsch.com](mailto:jeffn@harsch.com)

**Daimler-Chrysler**

Portland, Oregon 972

**Contact: Chris Kopca**

Phone: 503.819.4480  
Fax: 503.  
Email:

**Metro**

600 NE Grand Avenue  
Portland, Oregon 97232

**Contact:**

Phone: 503.  
Fax: 503.  
Email:

**City of Beaverton**

PO Box 4755  
Beaverton, Oregon 97076

**Contact: Debbie Martisak**

Phone: 503.350.4084  
Fax: 503.526.2535  
Email: [dmartisak@ci.beaverton.or.us](mailto:dmartisak@ci.beaverton.or.us)

**SITE INFORMATION**

Tax Lot & Address:	1S123BB00500; 10420 SW Allen Boulevard 1S123BB00300; 10300 SW Allen Boulevard 1S123BB00200; 10140 SW Allen Boulevard 1S123BBA01000; 10030 SW Allen Boulevard 1S123BD02500; no street address 1S123BD00100; 9600 SW Allen Boulevard
Size:	n/a – project is for a trail
Zoning Designation:	Industrial Park (IP) Campus Industrial (CI)

**PROJECT DESCRIPTION**

The Tualatin Hills Park & Recreation District (THPRD) is proposing to construct a trail through the wooded area located north of Fanno Creek between the former Greenwood Inn site and SW Scholls Ferry Road. The project area is located south of Allen Boulevard and east of Highway 217 in southeast Beaverton. The proposed trail will fill one of the remaining gaps in the Fanno Creek Regional Trail. The proposed trail will connect to the west to the existing trail and bridge (a project completed by the City of Beaverton at SW 105<sup>th</sup> Avenue) and to the east to the intersection of Scholls Ferry Road and Allen Boulevard (at the Beaverton Operations Center).

The proposed trail is approximately 3,000 feet (½ mile) in length and is a combination of asphalt trail, bridges, and boardwalks. The asphalt portion of the trail will be 10' wide with 12" shoulders. The bridges and boardwalks will be 10' wide and are proposed in wetland areas only. There will be three (3) low bridges and approximately 900 feet of boardwalk. It will be a multiple-use trail utilized by pedestrians and bicyclists. Based upon negotiations with adjacent property owners, and due to the nature of the trail, there will be no benches, overlooks, or parking areas proposed as part of this project. No bridge crossings are proposed over Fanno Creek as part of this project. A trail access connection is proposed at Fallbrook Place, located just south of Allen Boulevard.

**APPLICATION REQUEST**

THPRD is requesting a Design Review Compliance Letter in association with its proposed construction of the Fanno Creek Regional Trail. In association with this request, THPRD provides the following response to the approval criteria and all other applicable standards (as identified at its pre-application conference) to the City of Beaverton for its consideration. Please also find attached draft design and development plans of the proposed trail.

**ADDITIONAL DEVELOPMENT APPLICATIONS SUBMITTED**

In association with the proposed Fanno Creek Trail project, THPRD has also submitted the following Development Applications to the City of Beaverton for its review and consideration:

1. Type Two Preliminary Fee Ownership Partition Land Division Development Application (Beaverton School District)
2. Type Two Preliminary Fee Ownership Partition Land Division Development Application (Harsch Property Investments, LLC)
3. Tree Plan Two Development Application

**RESPONSE TO APPLICABLE DESIGN STANDARDS (SECTION 60.05)***Section 60.05.25*

## 60.05.25.4 - Retaining Walls

**Response:** The proposed trail development does not include any retaining walls over six feet (6') in height. However, there are two (2) short walls proposed along the trail. Neither of these walls will exceed four feet (4') in height. One wall will be approximately eighty-one feet (81') in length. The other wall will be approximately fifty-nine feet (59') in length. Both walls are located within twenty-five feet (25') of each other and are located at the approximate halfway point of the proposed trail. No landscape buffering is proposed, but they walls are to be constructed of concrete blocks of varying texture. These blocks will have a "stone" finish, intended to help the walls blend into the natural character of the Fanno Creek corridor.

## 60.05.25.5 – Fences and Walls

**Response:** The proposed trail development includes fencing that is to be constructed of cedar. Fence height will not exceed six feet (6'). The proposed retaining wall will be a minimum of six inches (6") thick and be constructed of concrete block of varying texture having a "stone" finish.

## 60.05.25.6 – Minimize Significant Changes to Existing On-Site Surface Contours at Residential Property Lines

**Response:** The proposed trail development does not propose any grading or surface contouring within twenty-five feet (25') of any residentially zoned property lines. The proposed trail development is located within industrially zoned properties and the trail is to be located more closely to the industrially zoned property lines (rather than the residential properties). All proposed grading and surface contouring will be located within the proposed trail corridor and at the location of the "alleged illegal fill" (on the Beaverton School District/THPRD donation property) where THPRD is proposing to cleanup and restore this area. All proposed grading and surface contouring will match existing grades at neighboring property lines and will not exceed 10% within any tree root zone. A grading plan has been included with this application.

## 60.05.25.7 – Integrate Water Quality, Quantity, or Both Facilities

**Response:** Not applicable. The proposed trail development does not include any surface stormwater detention and treatment facilities that are located between a street and an adjacent building.

## 60.05.25.8 – Natural Areas

**Response:** The proposed trail development has designated buffer areas meeting the standards as set forth by Clean Water Services (CWS). To the maximum extent possible, encroachments into these resource buffers have been minimized in order to maintain and preserve the functionality of these natural resource areas (i.e, wetlands and their associated buffers). Where encroachments do occur, CWS has required THPRD to provide mitigation and enhancement within the overall project area and along the proposed trail corridor.

Section 60.05.30.1-2

60.05.30.1 – Adequate On-Site Lighting and Minimize Glare on Adjoining Properties

**Response:** The proposed trail development does not include new on-site lighting per THPRD policy. However, some existing lighting located on the Beaverton School District Bus Barn property will need to be relocated due to the proposed removal and enhancement work proposed at the “alleged illegal fill” site. The re-location of these lights will take into consideration glare on adjacent properties and efforts will be made to minimize the potential for light spillover.

60.05.30.2 – Pedestrian-Scale On-Site Lighting

**Response:** The proposed trail development does not include new pedestrian-scaled, on-site lighting per THPRD policy. It is THPRD policy to not provide lighting along trails, except at street crossings where lighting does not current exist. THPRD “operating hours” at park facilities, including trails, are from dawn-to-dusk, except at special use recreation facilities and centers where hours may vary depending on use and/or programs.



**RESPONSE TO APPROVAL CRITERIA (SECTION 40.20.15.1.c)**

1. The proposal satisfies the threshold requirements for a Design Compliance Review Letter.

**Response:** The proposed trail development meets the threshold for a Design Review Compliance Letter development application, as the project proposes changes to existing grades (Threshold #1.i).

2. All City application fees related to the application under consideration by the decision-making authority have been submitted.

**Response:** A fee in the amount of \$111.00 was paid at the time of this application submittal.

3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

**Response:** All applicable items specified in Section 50.25.1 have been included with this Development Application for a Design Review Compliance Letter. However, at the time of this application submittal, THPRD is still working with CWS on obtaining a Service Provider Letter (SPL). This information will be submitted to the City of Beaverton for its review and consideration once THPRD has received it.

4. The proposal meets all applicable Site Development Requirements of Sections 20.05.50, 20.10.50, 20.15.50, and 20.20.50 of this Code unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance application which shall be already approved or considered concurrently with the subject proposal.

**Response:** Per Section 20.15.50.6 (Public Parks), the proposed trail development is exempt from the Site Development Regulations.

5. The proposal, which is not an addition to an existing building, is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards).

**Response:** The proposed trail development meets all applicable Design Standards as demonstrated in the previous section of this narrative. Applicable design standards include Section 60.05.25.4-8 and Section 60.05.30.1-2.

6. If applicable, the proposed addition to an existing building, and only that portion of the building containing the proposed addition, complies with the applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) as they apply to the following:

**Response:** Not applicable. The proposed project is not for an addition to an existing building.

7. The proposal complies with all applicable provisions in Chapter 60 (Special Regulations).

**Response:** The proposed trail development complies with all applicable sections of Chapter 60 Special Regulations). Specifically, this includes Section 60.05 (Design Standards); Section 60.10 (Floodplain Regulations); Section 60.15 (Land Division); Section 60.55 (Transportation Facilities); Section 60.60 (Trees and

**Vegetation); and Section 60.67 (Significant Natural Resources). More detailed information is included at the end of this narrative and/or included with THPRD's other development applications associated with its Fanno Creek Trail project.**

8. Except for conditions requiring compliance with approved plans, the proposal does not modify any conditions of approval of a previously approved Type 2 or Type 3 application.

**Response: The proposed trail development does not change or modify any conditions of approval of previously approved Type 2 or Type 3 applications.**

9. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

**Response: In addition to this Development Application for a Design Review Compliance Letter, THPRD will be submitting/has also submitted the following Development Applications in association with its proposed Fanno Creek Trail development project:**

- 1. Type Two Preliminary Fee Ownership Partition (Beaverton School District)**
- 2. Type Two Preliminary Fee Ownership Partition (Harsch Investment Properties, LLC)**
- 3. Tree Plan Two (Fanno Creek Trail)**
- 4. Type One Final Land Division (Beaverton School District)**
- 5. Type One Final Land Partition (Harsch Investment Properties, LLC)**

**RESPONSE TO ADDITIONAL DEVELOPMENT CODE STANDARDS***Chapter 60 (Special Regulations)*

## Section .60.10 – Floodplain Regulations

**Response:** The proposed trail development does not infringe into the Fanno Creek Floodway. There are instances where the proposed trail does occur within portions of the floodplain, which is permitted based on the underlying zoning districts within the project area (Campus Industrial and Industrial Park). Design of the trail meets all applicable standards of Section 9.05 (Site Development); City of Beaverton Engineering Design Manual and Standard Drawings; and Clean Water Services (CWS) Design and Construction Standards Manual. THPRD has prepared a “no-rise” study to illustrate that the proposed trail development will not adversely impact the riparian corridor of Fanno Creek. This study has been submitted to CWS and the Oregon Department of State Lands (DSL)/US Corps of Engineers (COE) for their review and has also been included with this application for City review.

## Section 60.55 – Transportation Facilities

## 60.55.25 – Street and Bicycle and Pedestrian Connection Requirements

1. All streets shall provide for safe and efficient circulation and access for motor vehicles, bicycles, pedestrians, and transit. Bicycle and pedestrian connections shall provide for safe and efficient circulation and access for bicycles and pedestrians.

**Response:** The proposed trail development does not include any streets. However, the proposed trail development will provide for safe and efficient movement and access for bicycles and pedestrians.

2. The Comprehensive Plan Transportation Element Figures 6.1 through 6.23 and Tables 6.1 through 6.6 shall be used to identify ultimate right-of-way width and future potential street, bicycle, and pedestrian connections in order to provide adequate multi-modal access to land uses, improve area circulation, and reduce out-of-direction travel.

**Response:** The proposed trail development is identified in Figure 6.1 (Pedestrian Master Plan); Figure 6.2 (Bicycle Master Plan); Table 6.1 (Pedestrian Action Plan); and Table 6.2 (Bicycle Action Plan) of the City’s Comprehensive Plan, Transportation Element.

3. Where a future street or bicycle and pedestrian connection location is not identified in the Comprehensive Plan Transportation Element, where abutting properties are undeveloped or can be expected to be redeveloped in the near term, and where a street or bicycle and pedestrian connection is necessary to enable reasonably direct access between and among neighboring properties, the

applicant shall submit as part of a complete application, a future connections plan showing the potential arrangement of streets and bicycle and pedestrian connections that shall provide for the continuation or appropriate projection of these connections into surrounding areas.

**Response: Not applicable. The proposed trail development is identified in the City's Comprehensive Plan, Transportation Element.**

4. Streets and bicycle and pedestrian connections shall extend to the boundary of the parcel under development and shall be designed to connect the proposed development's streets, bicycle connections, and pedestrian connections to existing and future streets, bicycle connections, and pedestrian connections. A closed-end street, bicycle connection, or pedestrian connection may be approved with a temporary design.

**Response: The proposed trail development will extend to the boundaries of the parcels included within the project area and will connect to existing trail segments at both the east (at the Scholls Ferry/Allen intersection) and the west (at the former Greenwood Inn site) ends of the proposed development.**

5. Whenever existing streets and bicycle and pedestrian connections are adjacent to or within a parcel of land are of inadequate width, additional right-of-way may be required by the decision-making authority.

**Response: Not applicable. The proposed development is for a trail and will not require additional right-of-way for existing streets or bicycle and pedestrian connections. THPRD has worked with the property owners within the project area to ensure adequate space exists for the proposed trail.**

6. Where possible, bicycle and pedestrian connections shall converge with streets at traffic-controlled intersections for safe crossing.

**Response: The proposed trail development converges at the Scholls Ferry Road/Allen Boulevard intersection at its east end. No other street crossings are proposed as part of the proposed trail development.**

7. Bicycle and pedestrian connections shall connect the on-site circulation system to existing or proposed streets, to adjacent bicycle and pedestrian connections, and to driveways open to the public that abut the property. Connections may approach parking lots on adjoining properties if the adjoining property used for such connection is open to public pedestrian and bicycle use, is paved, and is unobstructed.

**Response: The proposed trail development will provide connection to existing streets (at the Scholls Ferry/Allen intersection and at the end of Fallbrook Place) and to existing sections of the Fanno Creek Trail (at the former Greenwood Inn site and at the Scholls Ferry/Allen intersection). No other access is proposed as part of the proposed trail development.**

8. To preserve the ability to provide transportation capacity, safety, and improvements, a special setback line may be established by the City for existing and future streets, street widths, and bicycle and pedestrian connections for which an alignment, improvement, or standard has been defined by the City. The special setback area shall be recorded on the plat.

**Response: Not applicable. The proposed development is for an off-street trail and will not affect the function of existing streets.**

9. Accessways are one or more connections that provide bicycle and pedestrian passage between streets or a street and a destination. Accessways shall be provided as required by this code and where full street connections are not possible due to the conditions described in 60.55.25.13. [ORD 4397; July 2006]

An accessway will not be required where the impacts from development, redevelopment, or both are low and do not provide reasonable justification for the estimated costs of such accessway.

**Response: Not applicable. The proposed development is for an off-street trail and connections to public streets have been proposed where logical and feasible and do not include accessways.**

10. Pedestrian Circulation.

**Response: Not applicable. The proposed development is for an off-street trail and does not include walkways beyond that of the proposed trail.**

11. Pedestrian Connections at Major Transit Stops. Commercial and institution buildings at or near major transit stops shall provide for pedestrian access to transit through the following measures:

**Response: Not applicable. The proposed trail development is not located within close proximity to a major transit stop.**

12. Assessment, review, and mitigation measures (including best management practices adopted by local agencies) shall be completed for bicycle and pedestrian connections located within the following areas: wetlands, streams, areas noted as Significant Natural Resources Overlay Zones, Significant Wetlands and Wetlands of Special Protection, and Significant Riparian Corridors within Volume III of the Comprehensive Plan Statewide Planning Goal 5 Resource Inventory Documents and Significant Natural Resources Map, and areas identified in regional and/or intergovernmental resource protection programs.

**Response: The proposed trail development includes appropriate Best Management Practices and mitigation measures in those areas where the trail crosses wetlands and Significant Natural Resource Areas (SNRA). Specifically, this includes the use of elevated boardwalks on pin-pilings to eliminate the need for grading or excavation work in wetlands and their associated buffers. Additionally, the proposed trail alignment has been laid out in a way to minimize encroachments into wetlands and their associated buffers, as**

well as through SNRAs in order to minimize the number of trees that will need to be removed in conjunction with the proposed trail development. However, in order to maintain functionality as a regional trail and to maintain clear sightlines and safe bicycle turning radii, there are limitations as to how many of these areas could be avoided.

13. New construction of bicycle and residential rear lot lines is discouraged substitute alignment is possible in origins and destinations or existing

**Response:** The proposed trail development does not follow along any rear residential property lines. While some of the properties within the overall project area do abut rear residential property lines (along the south side of the project area), at no point does the proposed trail abut the residential properties. In addition to the natural buffer created by Fanno Creek, THPRD made a conscious effort to keep the trail on the north side of the creek and as close as possible to the rear property lines of the industrially zoned properties (along the north side of the project area).

14. Street and Bicycle and Pedestrian Hindrances.

**Response:** As noted previously, bicycle and pedestrian connections are not proposed as part of this development beyond that of the proposed trail, except as provided for at the end of Fallbrook Place. Due to existing development patterns and natural resource constraints, no additional connections have been proposed, which is consistent with subsection B.

#### 60.55.35 – Access Standards

1. The development plan shall include street plans that demonstrate how safe access to and from the proposed development and the street system will be provided. The applicant shall also show how public and private access to, from, and within the proposed development will be preserved.

**Response:** The proposed trail development provides street access for pedestrians and bicycles at the end of Fallbrook Place and at the intersection of Scholls Ferry Road and Allen Boulevard. Please refer to the attached drawings for more details.

2. No more than 25 dwelling units may have access onto a closed-end street system unless a greater number is authorized pursuant to Section 40.70.15.2. of this Code.

**Response:** Not applicable. The proposed trail development is not a residential development.

3. Intersection Standards.

**Response: Not applicable. The proposed trail development does not include any modifications to existing intersections or propose the creation of new intersections.**

# **THPRD Fanno Creek Trail (Scholls Ferry Road to BSD Bus Barn) Tree Plan Two Application**



**City of Beaverton, Oregon  
19 December 2008**

Applicant:

**Tualatin Hills Park & Recreation District**

5500 SW Arctic Drive, Suite #2

Beaverton, Oregon 97005

Contact: Brad Hauschild, Park Planner

503.629.6305.x2931

[bhauschild@thprd.org](mailto:bhauschild@thprd.org)



**GENERAL INFORMATION**

Owner/Applicant:

**Tualatin Hills Park & Recreation District**  
5500 SW Arctic Drive, Suite #2  
Beaverton, Oregon 97005  
**Contact: Brad Hauschild, Park Planner**  
Phone: 503.629.6305.x 2931  
Fax: 503.629.6307  
Email: [bhauschild@thprd.org](mailto:bhauschild@thprd.org)

Landscape Architect:

**Alta Planning + Design**  
711 SE Grand Avenue  
Portland, Oregon 97214  
**Contact: Mike Rose, Landscape Architect**  
Phone: 503.230.9862  
Fax: 503.230.9864  
Email: [mikerose@altaplanning.com](mailto:mikerose@altaplanning.com)

Property Owners:

**Beaverton School District**  
16550 SW Merlo Road  
Beaverton, Oregon 97006  
**Contact: Dick Steinbrugge, Executive Administrator  
for Facilities**  
Phone: 503.591.4449  
Fax: 503.  
Email: [Richard.steinbrugge@beaverton.k12.or.us](mailto:Richard.steinbrugge@beaverton.k12.or.us)

**American Property Management, Inc.**

Portland, Oregon 972  
**Contact: Steve Burg, Director of Commercial  
Property**  
Phone: 503.281.7779.x238  
Fax: 503.460.2616  
Email: [sburg@apmportland.com](mailto:sburg@apmportland.com)

**Harsch Property Investments, LLC**

1121 AQ Salmon Street  
Portland, Oregon 97205  
**Contact: Jeff Nudelman**  
Phone: 503.242.2900  
Fax: 503.274.2093  
Email: [jeffn@harsch.com](mailto:jeffn@harsch.com)

**Daimler-Chrysler**

Portland, Oregon 972  
**Contact: Chris Kopca**

Phone: 503.819.4480  
Fax: 503.  
Email:

**Metro**

600 NE Grand Avenue  
Portland, Oregon 97232

**Contact:**

Phone: 503.  
Fax: 503.  
Email:

**City of Beaverton**

PO Box 4755  
Beaverton, Oregon 97076

**Contact: Debbie Martisak**

Phone: 503.350.4084  
Fax: 503.526.2535  
Email: [dmartisak@ci.beaverton.or.us](mailto:dmartisak@ci.beaverton.or.us)

**SITE INFORMATION**

Tax Lot & Address:	1S123BB00500; 10420 SW Allen Boulevard 1S123BB00300; 10300 SW Allen Boulevard 1S123BB00200; 10140 SW Allen Boulevard 1S123BBA01000; 10030 SW Allen Boulevard 1S123BD02500; no street address 1S123BD00100; 9600 SW Allen Boulevard
Size:	n/a – project is for a trail
Zoning Designation:	Industrial Park (IP) Campus Industrial (CI)

**PROJECT DESCRIPTION**

The Tualatin Hills Park & Recreation District (THPRD) is proposing to construct a trail through the wooded area located north of Fanno Creek between the former Greenwood Inn site and SW Scholls Ferry Road. The project area is located south of Allen Boulevard and east of Highway 217 in southeast Beaverton. The proposed trail will fill one of the remaining gaps in the Fanno Creek Regional Trail. The proposed trail will connect to the west to the existing trail and bridge (a project completed by the City of Beaverton at SW 105<sup>th</sup> Avenue) and to the east to the intersection of Scholls Ferry Road and Allen Boulevard (at the Beaverton Operations Center).

The proposed trail is approximately 3,000 feet (½ mile) in length and is a combination of asphalt trail, bridges, and boardwalks. The asphalt portion of the trail will be 10' wide with 12" shoulders. The bridges and boardwalks will be 10' wide and are proposed in wetland areas only. There will be three (3) low bridges and approximately 900 feet of boardwalk. It will be a multiple-use trail utilized by pedestrians and bicyclists. Based upon negotiations with adjacent property owners, and due to the nature of the trail, there will be no benches, overlooks, or parking areas proposed as part of this project. No bridge crossings are proposed over Fanno Creek as part of this project. A trail access connection is proposed at Fallbrook Place, located just south of Allen Boulevard.

**APPLICATION REQUEST**

THPRD is submitting a Tree Plan Two application in association with its proposed construction of the Fanno Creek Regional Trail. In association with this application, THPRD provides the following response to the approval criteria and all other applicable standards (as identified at its pre-application conference) to the City of Beaverton for its consideration. Please also find attached draft design and development plans of the proposed trail.

**ADDITIONAL DEVELOPMENT APPLICATIONS SUBMITTED**

In association with the proposed Fanno Creek Trail project, THPRD has also submitted the following Development Applications to the City of Beaverton for its review and consideration:

1. Type Two Preliminary Fee Ownership Partition Land Division Development Application (Beaverton School District)
2. Type Two Preliminary Fee Ownership Partition Land Division Development Application (Harsch Property Investments, LLC)
3. Design Review Compliance Letter Development Application

**RESPONSE TO APPLICABLE DEVELOPMENT CODE STANDARDS***Section 60.60 – Trees and Vegetation*

## Section 60.60.15 – Pruning, Removal, and Preservation Standards

**Response:** All pruning, removal, and preservation standards will be adhered to as specified in this section. The proposed trail development is located Significant Natural Resource Area (SNRA) #18, which includes two (2) Significant Groves. This SNRA was mapped by the City of Beaverton (G11 and G12). As specified in subsection 2.C.1.b, up to 75% of the DBH of the surveyed, non-exempt trees within a SNRA may be removed from sites having an industrially zoned designation (the proposed trail development falls within both the Campus Industrial and Industrial Park zoning districts). As part of this proposed trail development, less than 25% of the DBH of the surveyed, non-exempt trees are proposed for removal. Preservation areas are not proposed given the small number of trees proposed for removal and that removal is proposed for individual trees rather than groups or stands of trees. As a result, the SNRA will remain intact and connected.

## Section 60.60.20 – Tree Protection Standards During Development

**Response:** To the maximum extent practical, all tree protection standards will be adhered to during construction of the proposed trail. This includes installation of orange construction/snow fencing along the proposed trail corridor within the SNRA. All efforts will be taken to ensure minimal impacts to existing vegetation. However, the proposed trail development is occurring within a forested area having a dense root zones making it unlikely to avoid root areas.

## Section 60.60.25 – Mitigation Requirements

**Response:** Per subsection 2.B, for projects located within SNRAs, mitigation is not required when the total DBH of trees proposed for removal is less than 50% of the total DBH of trees surveyed. The proposed trail development is proposing the removal of 23.5% DBH of surveyed, non-exempt trees. As such, mitigation is not required. See table below for detailed breakdown.

	Deciduous	Coniferous	TOTAL
DBH Surveyed	4,055"	1,731"	5,786"
DBH Proposed for Removal	1,229"	131"	1,360"

In total, 392 trees were surveyed and 85 trees are proposed for removal. Please refer to the attached drawings for more details.

Section 60.67 – Significant Natural Resources

**Response:** The proposed trail development does partially occur within areas where “locally significant wetlands” have been identified. A wetland delineation report has been completed and is being submitted to the Oregon Department of State Lands (DSL) for its review and concurrence. Furthermore, the proposed trail development is also located within areas of the Fanno Creek riparian corridor. Given Fanno Creek’s status as a fish-bearing stream, it is THPRD’s assumption that the proposed trail will be partially located in areas designated as a “listed corridor.” However, at no time does the proposed trail encroach into the Fanno Creek floodway nor propose crossing of the creek itself.

**RESPONSE TO APPROVAL CRITERIA (SECTION 40.90.15.2.c)**

1. The proposal satisfies the threshold requirements for a Tree Plan Two application.

**Response:** The proposed trail development meets the threshold for a Tree Plan Two development application, as the project proposes the removal of up to 75% of the total DBH of non-exempt surveyed trees within a Significant Natural Resource Area (SNRA) or Significant Grove (SG) [Threshold #3].

2. All City application fees related to the application under consideration by the decision-making authority have been submitted.

**Response:** A fee in the amount of \$1,017.00 was paid at the time of this application submittal.

3. If applicable, removal of a Community Tree(s) is necessary to enhance the health of the tree, grove, or group of trees, or an adjacent tree or to eliminate conflicts with structures or vehicles.

**Response:** Not applicable. All trees proposed for removal fall within the category of SNRA and are not being removed to enhance tree health or to minimize conflicts with structures or vehicles.

4. If applicable, removal of any tree is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.

**Response:** Not applicable. All trees proposed for removal fall within the category of SNRA and are not being removed to promote good forestry practices.

5. If applicable, removal of any tree is necessary to accommodate physical development where no reasonable alternative exists.

**Response:** The proposed trail development does propose the removal of trees where no other reasonable alternative exists. To the greatest extent possible, removal of trees has been kept to a minimum, but there are instances where trees will need to be removed in order to minimize safety hazards and impacts to natural areas. It should also be noted that the Fanno Creek Regional Trail is identified as an "off-street, multiple-use trail" in THPRD's Trails Master Plan. It is also identified in Metro's Regional Trails and Greenways Plan, as well as both the Washington County and City of Beaverton Transportation Plans.

As a regional trail intended to facilitate the movement of bicycles and pedestrians, it is important to provide a minimum turning radius in order to provide clear sightlines and visibility for trail user safety. In order to do this, there are instances where trees will need to be removed. Furthermore, in order to keep the proposed trail from being located within the Fanno Creek floodway and to minimize trail occurrences within wetlands and their associated

**buffers, the proposed trail alignment has been designed and located in a manner that will result in the removal of some trees.**

**The only other alternative for the proposed trail development is to use Allen Boulevard. However, this on-street alternative negates the intended purpose of the Fanno Creek Regional Trail as an off-street, greenway-type trail.**

6. If applicable, removal of any tree is necessary because it has become a nuisance by virtue of damage to property or improvements, either public or private, on the subject site or adjacent sites.

**Response: Not applicable. No trees are being removed for nuisance purposes.**

7. If applicable, removal of any tree is necessary to accomplish public purposes, such as installation of public utilities, street widening, and similar needs, where no reasonable alternative exists without significantly increasing public costs or reducing safety.

**Response: Please see response to Approval Criteria #5. Construction of the proposed trail development would meet a public purpose and no other reasonable alternative exists without significantly increasing project costs and reducing safety. An on-street pathway/bike lane system along Allen Boulevard would increase safety risks for trail users, as well as increasing costs of a publicly funded project as a result of limited right-of-way availability that current exists along Allen Boulevard.**

8. If applicable, removal of any tree is necessary to enhance the health of the tree, grove, SNRA, or adjacent trees to eliminate conflicts with structures or vehicles.

**Response: In addition to previous answers, trees proposed for removal along the proposed trail corridor will serve to preserve and protect the health of the existing SNRA, as well as to minimize the potential for damage to the trail once it has been constructed.**

9. If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in a reversal of the original determination that the SNRA or Significant Grove is significant based on criteria use in making the original significance determination.

**Response: Given the small number and scattered location of trees proposed for removal from the SNRA, it is not anticipated that a reversal of the original determination of that SNRA would occur. Based on a natural resource assessment report submitted to Clean Water Services (CWS), the condition of the overall tree canopy has been classified as "good" and the understory vegetation has been classified as "marginal." With the proposed trail improvements, understory vegetation will also be enhanced. The SNRA itself will remain intact and connected.**

10. If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in the remaining trees posing a safety hazard due to the effects of windthrow.

**Response: Given the small number and scattered location of trees proposed for removal from the SNRA, the effects of windthrow on the remaining**

---

trees should be minimal, if any. Individual trees are proposed for removal rather than groups or stands of trees and as such, the SNRA will remain intact and connected. Please refer to the attached plans for locations of trees proposed for removal.

11. The proposal is consistent with all applicable provisions of Section 60.60 Trees and Vegetation and Section 60.67 Significant Natural Resources.

**Response:** The proposed trail development is consistent with all applicable provisions of Section 60.60 (Trees and Vegetation) and Section 60.67 (Significant Natural Resources). Please see responses provided previously in this narrative.

12. Grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.

**Response:** Grading of the proposed development site will be limited to the proposed trail location in order to minimize adverse impacts on neighboring properties. The only other grading proposed with this development is planned on the Beaverton School District/THPRD land donation parcel at the "alleged illegal fill" site where mitigation and enhancement work is proposed. A grading plan has been submitted as part of this development application.

13. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

**Response:** All applicable items specified in Section 50.25.1 have been included with this Development Application for a Tree Plan Two. However, at the time of this application submittal, THPRD is still working with CWS on obtaining a Service Provider Letter (SPL). This information will be submitted to the City of Beaverton for its review and consideration once THPRD has received it.

14. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

**Response:** In addition to this Development Application for a Tree Plan Two, THPRD will be submitting/has also submitted the following Development Applications in association with its proposed Fanno Creek Trail development project:

1. Type Two Preliminary Fee Ownership Partition (Beaverton School District)
2. Type Two Preliminary Fee Ownership Partition (Harsch Investment Properties, LLC)
3. Design Review Compliance Letter (Fanno Creek Trail)
4. Type One Final Land Division (Beaverton School District)
5. Type One Final Land Partition (Harsch Investment Properties, LLC)



## **STAFF REPORT**

IN CONSIDERATION OF RESOLUTION NO. 08-3888, APPROVING THE TUALATIN HILLS PARK AND RECREATION DISTRICT'S NATURAL RESOURCE MANAGEMENT PLAN AS IT APPLIES TO CERTAIN NATURAL AREA PROPERTY OWNED BY METRO

---

Date: January 15, 2009

Prepared by: Kathleen Brennan-Hunter  
503-797-1948

### **BACKGROUND—ACQUISITION AND MANAGEMENT AGREEMENT**

In May of 1995 voters in the Metro Area approved a \$135.6 million Open Spaces, Parks and Streams Bond Measure with a stated goal of acquiring land in 14 regional natural areas and six regional trails and greenways. The Fanno Creek Greenway was identified as a target area and the Fanno Creek Greenway Refinement Plan set forth acquisition guidelines developed to promote trail and greenway connectivity and improve water quality. Thirty-nine acres were protected as a result of 13 separate transactions. A 2 acre parcel (the Metro Parcel) on Fanno Creek at SW Fallbrook Place near Allen Boulevard was acquired in September of 2000 for use as a part of a regional trail corridor. In July of 2001, Metro and the Tualatin Hills Park and Recreation District entered into an Intergovernmental Agreement (the "IGA") for the Management of Property in the Fanno Creek Greenway Target Area. The IGA required that THPRD develop a resource management plan and perform a natural resources inventory prior to any development of the property. The IGA also states that the Management Plan shall be subject to approval by the Metro Council. THPRD provided to Metro the district-wide natural resource management plan adopted in 2002, and completed a natural resources inventory of this trail segment, including the Metro Parcel. Those documents are attached as exhibits to Resolution 08-3888.

In January of 2003, Metro engaged Alta Planning and Design to produce the Fanno Creek Greenway Trail Action Plan (the "Action Plan") document in which 11 "gaps" in the Fanno Creek Greenway Trail were studied. The Action Plan described the gaps, recommended trail improvements, proposed design standards and maintenance guidelines for the trail. The Metro Parcel is in Gap No. 6 – Denney Rd. to 92<sup>nd</sup> Ave. Alta Planning and Design is the consultant that THPRD is working with on the proposed trail design and construction for the property that is the subject of this staff report, and according to the THPRD planner, the design follows the guidelines set forth in the Action Plan. THPRD is now ready to submit a development and construction application to the City of Beaverton for the segment of the trail containing the Metro Parcel.

### **THPRD's PLAN FOR THE METRO PARCEL**

The Metro Parcel is part of a key trail gap between two major segments of the Fanno Creek Greenway Trail. This 3,000 foot long proposed trail segment, which spans 6 properties, runs through a wooded area located north of Fanno Creek between the former Greenwood Inn site (east of HWY 217) and SW Scholls Ferry Rd (at the City of Beaverton Operations Facility.)

THPRD will manage four of the properties in their entirety and the remaining two properties contain a 20 foot wide trail easement. The trail will be asphalt and 10 feet wide with 1 foot gravel shoulders. THPRD is using SDC funds to design and build the trail. They hope to start construction in June 2009, with completion estimated by the end of 2009. Alta Planning is producing the construction documents.

## **ANALYSIS/INFORMATION**

### **1. Known Opposition**

None.

### **2. Legal Antecedents**

Intergovernmental Agreement between Metro and the Tualatin Hills Park and Recreation District Fanno Creek Open Space/Regional Trail Properties executed July 29, 2001.

Resolution No. 92-1637 "For the Purpose of Considering Adoption of the Metropolitan Greenspaces master Plan" was adopted in July 1992.

The 1995 Open Spaces Bond Measure (Ballot Measure 26-26) was approved on May 16, 1995 authorizing Metro to issue \$135.6 million in general obligation bonds for Open Spaces, Parks and Streams.

Resolution No. 96-2331 "For the Purpose of Approving a Refinement Plan for the Fanno Creek Greenway Target Area as Outlined in the Open Space Implementation Work Plan" was adopted by the Metro Council on May 16, 1996.

Resolution No. 06-3672B "For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisitions and Water Quality Protection" was adopted by the Metro Council on March 9, 2006.

Resolution No. 07-3837 "Approving The Natural Areas Acquisition Refinement Plan For The Fanno Creek Linkages Target Area" was adopted by the Metro Council on September 6, 2007.

### **3. Anticipated Effects**

Construction and completion of a key trail segment of the Fanno Creek Greenway by THPRD.

### **4. Budget Impacts**

None.

## **RECOMMENDED ACTION**

Staff recommends adoption of Resolution No. 08-3888.

Agenda Item Number 7.3

**Resolution No. 08-4013**, For the Purpose of Endorsing the Transportation for America Position on Reauthorization of the Safe, Accountable, Flexible, Efficient, Transportation Act: A Legacy for Users (SAFETEA-LU)

Metro Council Meeting  
Thursday, January 15, 2009  
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENDORSING THE	)	RESOLUTION NO. 08-4013
TRANSPORTATION FOR AMERICA POSITION	)	
ON REAUTHORIZATION OF THE SAFE,	)	Introduced by Councilor Rex Burkholder
ACCOUNTABLE, FLEXIBLE, EFFICIENT,	)	
TRANSPORTATION ACT:A LEGACY FOR	)	
USERS (SAFETEA-LU)	)	

WHEREAS, the Safe, Accountable, Flexible, Efficient, Transportation Act: A Legacy for Users (SAFETEA-LU) was adopted by Congress in 2005; and

WHEREAS, SAFETEA-LU is scheduled to expire at the end of federal Fiscal Year 2009 (September 30, 2009); and

WHEREAS, Congress will be considering reauthorization of SAFETEA-LU during 2009; and

WHEREAS, SAFETEA-LU has a significant policy effect on transportation planning and decision-making and funding in the Portland metropolitan region; and

WHEREAS, Transportation for America is a coalition of national organizations that advocate on transportation, land use, environmental, health, energy and social issues of importance to metropolitan areas, and

WHEREAS, Transportation for America has developed a platform for authorization of the new federal transportation bill that addresses the critical need for a balanced, multi-modal transportation system integrated with economic, community, health, social equity, energy and climate change objectives; and

WHEREAS, at its meeting on January 8, 2009, the Joint Policy Advisory Committee on Transportation recommended adoption of the following; now, therefore,

BE IT RESOLVED that the Metro Council:

Endorses the Transportation for America Platform for the Surface Transportation Program Authorization as reflected in Exhibit A.

ADOPTED by the Metro Council this \_\_\_\_\_ day of January 2009.

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

Approved as to Form:

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

# Transportation For America



## Platform for the Surface Transportation Program Authorization

---

## Executive Committee

---

Transportation for America has formed a broad coalition of housing, environmental, public health, urban planning, transportation, real estate, local businesses, and other organizations. We're all seeking to align our national, state, and local transportation policies with an array of issues like economic opportunity, climate change, energy security, health, housing and community development. Our coalition continues to grow. For a current list of partners and more information, please visit our website: [www.t4america.org](http://www.t4america.org) Listed below are the Executive Committee member organizations; each played a critical role in shaping the platform.

### The T4America Executive Committee

Reconnecting America (Co-Chair)

[www.reconnectingamerica.org](http://www.reconnectingamerica.org)

Smart Growth America (Co-Chair)

[www.smartgrowthamerica.org](http://www.smartgrowthamerica.org)

Action! For Regional Equity (Action!)

[www.policylink.org/BostonAction/](http://www.policylink.org/BostonAction/)

America Bikes

[www.americabikes.org](http://www.americabikes.org)

American Public Health Association (APHA)

[www.apha.org](http://www.apha.org)

Apollo Alliance

[www.apolloalliance.org](http://www.apolloalliance.org)

LOCUS – Responsible Real Estate Developers and Investors

National Housing Conference

[www.nhc.org](http://www.nhc.org)

National Association of City Transportation Officials (NACTO)

[www.nacto.org](http://www.nacto.org)

National Association of Realtors

[www.realtor.org/smartgrowth](http://www.realtor.org/smartgrowth)

Natural Resources Defense Council

[www.nrdc.org](http://www.nrdc.org)

PolicyLink

[www.policylink.org](http://www.policylink.org)

Surface Transportation Policy Partnership (STPP)

[www.transact.org](http://www.transact.org)

Transit for Livable Communities (TLC)

[www.tlcmnnesota.org/](http://www.tlcmnnesota.org/)

US PIRG

[www.uspirg.org](http://www.uspirg.org)

---

## Table of Contents

---

Contents

<b><u>Section</u></b>	<b><u>page</u></b>
<b>Executive Committee .....</b>	<b>2</b>
<b>Introduction .....</b>	<b>5</b>
<b>The Federal Role in Surface Transportation .....</b>	<b>6</b>
<b>The Need for Change.....</b>	<b>12</b>
<b>Our Vision for Surface Transportation in the US.....</b>	<b>13</b>
<b>Our Platform:</b>	
<b>I. Responsible Investment and Accountability.....</b>	<b>15</b>
<b>II. Transportation for a 21<sup>st</sup> Century Economy.....</b>	<b>19</b>
<b>III. Transportation, Energy and Climate Change .....</b>	<b>25</b>
<b>IV. Transportation Drives Development .....</b>	<b>31</b>
<b>V. Public Health and Safety .....</b>	<b>35</b>
<b>VI. Funding a 21<sup>st</sup> Century Transportation System...39</b>	

***This page blank***



---

## Introduction

---

### A Critically Important Program

In 2009, Congress will be working on legislation authorizing and updating the federal surface transportation program. This program guides the federal expenditure of just over \$50 billion annually for public transit, rail, highway, bicycle and pedestrian facilities and services across the country. The money is granted principally to state transportation departments, local and regional transit agencies and metropolitan planning organizations.

However, the importance of federal surface transportation program goes far beyond its size.

Transportation policy is perhaps our most important tool for improving our nation's global economic competitiveness and the health and quality of life for households and individuals, and for increasing personal economic opportunity – the foundation of America's economic vitality and strength. Transportation networks are fundamental to how we grow, develop and prosper.

The federal surface transportation program directly influences how states, regions and cities invest in transportation. To a significant degree it determines what the country's transportation networks – interstate, regional and local – will be and how they will function.

This T4America Platform is intended to guide drafting of the authorization bill, which for many reasons promises to be one of the most important pieces of legislation to be taken up by the next Congress. The Platform reflects the work of a wide range of individuals and organizations with expertise in transportation, housing, environment, energy, real estate and development, public health and local governance.

---

## The Federal Role in Surface Transportation

---

### History of the Federal Program

The first national “fuel taxes” were passed in 1932 to support the federal budget which was in deficit due to the Great Depression. The tax rate was increased periodically over the years, primarily to support the national defense budget. The concept of a “user fee” dedicated to development of roads was inaugurated with the 1956 Highway Revenue Act creating the Highway Trust Fund (HTF).

Most people think of the first phase of the federal transportation program – from the mid-1950s to today – as the “Interstate Highway Era.” The Interstate System was conceived as a means of connecting the cities and regions of the country to strengthen the national economy, and as necessary to ensuring the national defense. This idea was first promoted by the “better roads” movement in the 1930s.

However, Congressional approval of the Federal Aid Highway Act of 1956, formally funding the “National System of Interstate and Defense Highways,” was not achieved until the Bureau of Public Roads published a map showing how the national grid of Interstate routes would be connected into all of the country’s major cities. The potential importance of high-speed roadway connections to facilitate commerce between cities and regions was what it took to secure final Congressional approval and funding of a national Interstate Highway network.

Federal involvement in public transit began with the Urban Mass Transportation Act of 1964. This legislation, originally proposed by President John Kennedy in 1962 and later championed by President Lyndon Johnson, established the Urban Mass Transportation Administration Authority (UMTA) and authorized \$375 million in funding over three years for capital grants to local and regional transit providers, using a 50/50 match ratio for federal participation. The agency name was changed to the Federal Transit Administration (FTA) in 1991.

Over recent decades, the federal transit program has been authorized at 20% or less of the size of the federal highway program. SAFETEA-LU, the current authorization legislation, put about \$40 billion annually into the highway program and about \$9 billion annually into public transit. The program structure has varied over the decades, but today about 80% of the program goes into “Formula and Bus Grants,” with about 15% going into “Capital Investment Grants” (New Starts and Small Starts).

By the late 1980s there was growing discontent in the US with the “highway-only” orientation of the federal surface transportation program as well as with the inflexibility of the system of program categories, the inattention to urban needs and the lack of a solid planning foundation for the program. With active support and participation by a national coalition of environmental, urban policy, transit, bicycle, and planning organizations, Congress began to consider taking a new direction.

## History of the Federal Program

When the Intermodal Surface Transportation Efficiency Act (ISTEA) passed in 1991, it was heralded as a turning point in the history of surface transportation in the US. ISTEA was seen as inaugurating the beginning of the “post-Interstate era.”

Key provisions of the new act included:

- An intermodal approach to highway and transit funding with flexibility to shift certain categories of federal funds between modes based on local priorities;
- A declaration that the Interstate Highway System was effectively “complete” and creation of a new Interstate Maintenance Program for resurfacing, restoring, and rehabilitating the Interstate System;
- Collaborative multimodal planning requirements with significant increases in powers of metropolitan planning organizations;
- A new “enhancements” program that for the first time would open up the Highway Program to new types of project elements, such as pedestrian and bicycle facilities, acquisition of scenic and historic sites, rehabilitation of historic transportation facilities and other purposes;
- A heightened commitment to public involvement in transportation decision making from planning to program development to project design;
- A formal emphasis on “congestion management” including new requirements for MPOs of over 200,000 population to develop congestion management plans; and,
- Direct funding of air quality improvement projects through a new Congestion Mitigation and Air Quality (CMAQ) program.

ISTEA was designed to introduce sweeping reform in the transportation program such that the federal approach to surface transportation would be truly multimodal, urban areas would be empowered to make planning and design choices based on local needs and priorities, walking and bicycling would once again become significant modes of travel, and the linkage between improving air quality improvement and transportation investment would be direct.

The two federal authorization bills passed since ISTEA have elaborated on these themes - the Transportation Equity Act for the 21st Century (TEA-21) passed in 1997, and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) passed in 2005. Provisions were written into these acts in an attempt to reinforce the landmark changes that ISTEA had promised. However, these laws were to some extent more focused on issues of distribution of funds between states, with TEA-21 introducing the concept of “guaranteed funding,” intended to ensure a certain minimum level of funding in each state.

Has the ISTEA promise of a balanced, multimodal federal program been achieved? Most analysts of ISTEA performance have concluded: yes and no. There have been improvements in the modal balance of funding. Just in the first eight years following ISTEA passage, federal funds spent on transit almost doubled, from

## History of the Federal Program

just over \$3 billion in 1990 to nearly \$6 billion by 1999. Annual transit funding under SAFETEA-LU has been almost \$9 billion. The amount of federal money spent on bicycle and pedestrian projects also grew from \$7 million before ISTEA passage to more than \$450 million in 2007 under SAFETEA-LU.

However, some of the most important ideas and concepts in ISTEA have yet to fully take hold. Flexible funding provisions have not been exercised by most states, with most of the national total in “flex funds” occurring in just five states: California, Pennsylvania, New York, Oregon and Virginia. Efforts of MPOs to take charge of local transportation program priority setting have met with entrenched resistance from many state DOTs, with the result that in many urban areas (especially smaller areas) the state still controls development of the transportation improvement program. As a result, over three-fourths of the surface transportation program continues to be invested in highway system expansion nationally.

The combination of growth in the size of the program, the setting of minimum guarantees or funding floors, and retention of most decision making within state DOTs has caused the federal transportation program to resemble a blank check or project “ATM.” The lack of a clear statement of national objectives and the lack of accountability for use of funds (or for the impacts of decision making) has created a strategic policy vacuum. In this policy vacuum, states have thrown increasingly vast sums of money at highway and freeway expansion projects in a quixotic pursuit of “congestion alleviation” – a pursuit that has served primarily to accelerate a national expansion of suburban and exurban low density development. This has also set the stage for rampant Congressional “earmarking” – specific listing of projects in the authorization legislation (5,000 projects in SAFETEA-LU).

The increasingly errant nature of the federal transportation program has had profound effects on the national economy, the public health and the quality of life in our communities. Our near-total reliance on petroleum for transportation energy and our outsize contribution to worldwide greenhouse gases imperil our national security, our economy and our way of life. We have lost the ability to walk or bike safely and conveniently in an ever-larger portion of the American landscape with tragic consequences for the health of our population and especially our children. The federal subsidization of low density exurban development has helped create extensive low-density, semi-urban landscapes where homeowners in search of low-cost mortgages endure exhausting drive-alone commutes and household budget problems. Although we are the world’s wealthiest nation, we have a second-tier urban transit system and no intercity high speed rail network.

## Summary of the Federal Role

Beginning in the 1950s, the “federal role” in surface transportation was defined primarily in terms of the Interstate Highway Program and in the concept of a national network of high-capacity, high-speed highways. Beginning with the ISTEA bill passed in 1991, there was an attempt to change direction and redefine the federal role. However, political and bureaucratic resistance to the new multimodal mission proved to be strong and entrenched. As a consequence the surface transportation program rests in an indeterminate, almost direction-less state.

Although there is no longer a clear, official delineation of the federal role in surface transportation, a de facto consensus has been in place during the past two authorization bills. This consensus cannot be found in the published statements of Congress or the USDOT, but rather in the actual pattern of investments, programs and policies that the federal government has pursued.

The primary elements of our de facto federal transportation policy have been:

- The nation’s highest surface transportation priority continues to be to provide capital funding for a national network of high-capacity, high-speed highways linking urban areas and regions of the country for purposes of economic development. A second priority has been expansion of surface roads and streets to provide increased capacity for motor vehicle travel, with an emphasis on suburban and rural routes.
- The creation and expansion of this network of highways has been so important that it has been seen as justifying underinvestment in repair, replacement and rehabilitation of existing infrastructure, leading to a nationwide decline in the condition of existing pavements and bridges.
- Among the surface transportation modes, the priority mode for federal support of human mobility has been personal motor vehicles. Public transit has been a much lower national priority. Intercity rail passenger transportation has not been seen as an appropriate arena for significant federal leadership or funding.
- Among the surface transportation modes, the priority mode for federal support of freight movement has been trucks. Rail freight transportation has not been seen as an appropriate arena for federal leadership or funding. The federal interest in water-borne freight movement has been implemented primarily through the U.S. Army Corps of Engineers and has not been seen as an important activity for USDOT.
- For at least the past two decades an overriding objective of the surface transportation program has been capacity expansion of highways for purposes of congestion mitigation. Although never explicitly stated, a tacit feature of this emphasis has been federal subsidization of suburban and exurban settlement patterns.

## National Issues and Priorities

We believe Congress should set forth a clear statement of the federal role in surface transportation that is tied to specific transportation objectives based on national issues and priorities. We further believe Congress should ensure that funding levels, program categories and project criteria are clearly tied to transportation objectives.

The surface transportation authorization should clearly address issues, opportunities and goals that are appropriate for action by the national government in a federal system. In particular, the program should prioritize those national issues and opportunities that cannot be fully addressed without addressing the role surface transportation plays. In this context, we suggest the following short list of national priorities:

1. Energy Security, Economic Growth and Global Competitiveness
2. Environmental Protection and Climate Change
3. Personal Mobility and Location Efficiency
4. Traffic Safety and Public Health

While there is an acknowledged need for an increased level of federal funding for surface transportation, we cannot support increased funding in the absence a clear statement of the federal role in surface transportation coupled to a system of measurement, reporting and accountability for progress toward clearly defined national objectives.

## What the Federal Role Should Be

The federal role in surface transportation, which should guide development of the new surface transportation authorization legislation, should be as follows:

1. *Energy Security, Economic Growth and Global Competitiveness.* National security has always been a major purpose of the surface transportation program. For the next several decades, providing for national security will require strengthening our economy to compete in a global arena and reducing our dependence on petroleum – especially imported oil. We should modernize our freight movement system to make it more efficient and less oil-dependent; we should modernize urban transportation by building high-capacity transit lines; we should connect our major metropolitan regions with high-speed passenger rail lines; and, we should refocus our highway program on repair, rehabilitation and replacement of existing facilities.
2. *Climate Change and the Environment.* The U.S. will be unable to make significant progress on climate change intervention without reducing greenhouse gas emissions from surface transportation. This should be a major priority of the federal program and USDOT and its grantees should be held accountable for progress toward climate change objectives. Congress should also re-confirm our national commitment to environmental protection in the surface transportation program. There should be no weakening of the environmental protections enacted since 1970, including NEPA, the Clean Air Act, Clean Water Act and related legislation.
3. *Mobility and Location Efficiency.* Congress should establish a commitment in the surface transportation program to urban infill and redevelopment. There should be a shift away from support of unsustainable suburban and exurban development patterns. Federal funds should be used to improve the quality of life and economic viability of rural regions, small towns and villages rather than being used to convert them to suburban development. This will require explicit federal support for coordination of land use and transportation decision making at the local, regional and state levels. Congestion alleviation as an objective should be replaced with location efficiency – the integration of land development and transportation such that mobility is enhanced while the intrinsic cost and energy requirements of travel are reduced. Congress should commit to broadening the benefits of federal investments in personal mobility to include all income categories so that transportation becomes a positive element supporting a strong workforce and enabling households to better balance domestic budgets.
4. *Traffic Safety and Public Health.* Congress should acknowledge that traffic accidents and other health impacts of surface transportation represent major forces affecting the health and safety of the US population – with significant long-term impacts on the federal budget and the national economy. Safety of non-motorized travel should receive expanded priority in the federal program. The health benefits of active living in our urban regions, cities, towns and villages should be identified as being in the national interest.

---

## The Need for Change

---

### A New Beginning

Functional, safe, and efficient transportation is one of the cornerstones upon which this country was built. America's economic strength and the health of its people depend on our ability to connect people with opportunity and on our ability to move products to market quickly, safely, and efficiently.

Today our strength as a nation is being limited by:

- a dependency on petroleum that threatens our national security, drains household budgets, exacerbates climate issues, undermines public health, and imperils the U.S. economy;
- a haphazard, inefficient relationship between our transportation systems and our land development patterns;
- a backlog of crumbling, unsafe, and obsolete transportation facilities;
- an auto/truck bias that has placed America far down the list of nations in terms of availability of modern public transit services and gives most Americans no option but to pay rising gas prices;
- a freight transportation system that is outmoded, over-capacity, dependent on imported petroleum, and incapable of efficiently linking the US national economy into the global economy; and,
- a legacy of transportation expenditures that benefit a few while leaving many behind in cities, older suburbs and small towns.

A change in direction is needed to help the nation meet its growing demand for transportation while addressing the oncoming challenges of energy security, global warming, changing demographics, public health care costs, and global economic competition. As Congress works on the new surface transportation program, T4America urges our policy makers to seize this opportunity to make a new beginning. That new beginning should include:

1. A commitment to responsible investing that holds recipients of federal funds accountable for progress toward national objectives.
  2. A new strategy for creating a 21<sup>st</sup> Century transportation system that enhances economic opportunity for all, creates jobs, and elevates our position in a competitive global economy.
  3. A program that improves essential connections within and between metropolitan areas while reducing dependence on petroleum and meeting national objectives for managing climate change.
  4. A more strategic approach to managing the land use and transportation relationship that improves efficiency, access, health, and safety, while halting the growth of and ideally, reducing per capita vehicular travel.
  5. A serious and concerted effort to address the impacts that transportation systems have on the health and safety of our people.
-



---

## ***Our Vision for Surface Transportation in the United States***

---

### **Mobility in the 21<sup>st</sup> Century**

In the future, our nation's surface transportation system should provide the foundation for personal opportunity, robust commerce and a healthy population. It should achieve national goals for economic development and environmental sustainability. It should provide equitable access and support healthy behaviors.

It should be a modern, 21st Century system, balancing new capacity with care and upkeep of existing infrastructure. Public transit systems, intercity rail corridors, roadway facilities, waterways, ports, bridges, bicycle and pedestrian facilities all should be kept in a state of good repair. The trillions of dollars in asset value of the systems and facilities built over the past century should be protected and enhanced.

A new generation of "great streets" and boulevards should replace the overly-large, harsh and utilitarian roads and freeways inherited from the suburban era, benefiting and adding value to neighborhoods and communities across the land.

Our transportation system should reflect recognition of the importance of America's metropolitan regions, cities and towns. It should connect regions to each other and to the world; support healthy communities; provide access to jobs, schools, health care and services; provide efficient goods movement; and stimulate economic opportunity. This system should improve mobility choices within our regions, cities and towns, with modern public transit networks and safe walking and bicycling networks.

It should do so in a manner that serves our national interests, adds value to communities, contributes positively to public health and safety, and reflects the equity and fairness that have always been hallmarks of the American egalitarian tradition.

The transportation program should be designed to invigorate local and regional economies and facilitate efficient inter-regional commerce. It should reduce energy use and greenhouse gas emissions by supporting more sustainable land use and travel patterns. Our national transportation investments should help provide affordable housing opportunities near good public transit service and employment centers and should promote walking and bicycling as economical, eco-friendly, and healthy modes. America's surface transportation system should enable us to compete successfully in a global economy and should be a model for other nations to follow.

Transportation for America's proposal for a rejuvenated, redirected surface transportation program would result in a national mobility network that provides a vital, complete array of mobility choices easily accessible to the vast majority of Americans – whether walking, bicycling, driving or traveling on public transportation– in a unified, interconnected, energy-efficient manner.

***This page blank***

# I. Responsible Investment and Accountability

## I. Responsible Investment and Accountability

*We believe: The surface transportation program should be invested in programs and projects that address pressing national priorities and agencies receiving funds should be accountable for how they are spent.*

### Our Objectives

- √ Make **economic competitiveness, energy, climate change, air quality, public health and safety, fairness, and state of good repair** the basis for sweeping transportation policy and program reform.
- √ Put all transportation modes (transit, highway, walking, bicycling) on **equal footing** with respect to match ratios, project eligibility criteria and project delivery processes, eliminating the highway capacity bias of the current program.
- √ Support a substantial increase in the size of the national surface transportation program **contingent** on transportation program reform and on an authorization bill that will lead to achievement of the National Transportation Objectives.
- √ Leverage federal transportation investments by encouraging state, local and private sector funding mechanisms to support local funding of projects and to use in matching federal funds.
- √ Reaffirm our national commitment to environmental protection in the surface transportation program.

### Here's How

1. Establish a set of **National Transportation Objectives** that address:
  - Energy;
  - Climate change;
  - Mode flexibility and travel choice;
  - Safety;
  - Public health;
  - State of good repair;
  - Environmental protection;
  - Equity;
  - System reliability;
  - Economic competitiveness; and
  - Household affordability.
2. **Restructure** program categories, funding allocations, project delivery systems and project eligibility criteria to support achievement of the National Transportation Objectives.
3. Hold federal, state, regional, and metropolitan agencies **accountable** for outcomes of their use of federal funding. Implement funding rewards and penalties for states and regions based on the progress or failure in meeting their share of the transportation energy use and GHG emission reductions.

## Here's How

4. Assign authority and implement direct allocation of formula funds to designated **regional transportation planning** entities. Set financial rewards and penalties based on progress toward National Transportation Objectives.
5. Require states, Metropolitan Planning Organizations (MPOs), and designated regional transportation planning entities to prioritize **system management and facility repair** and rehabilitation over creation of new travel capacity and new facilities.
6. Strengthen regional decision making for **integrating** transportation, economic development, housing, environment, and energy use planning.
7. Make the State and Metropolitan Long Range Plans **goal-based** and accountable to benchmarks.
8. Incorporate **corridor-level analysis** of system-wide impacts, including location, mode choice, housing, equal access, and environmental quality in to the long-range transportation planning process.
9. Make **complete streets** mandatory in the planning and programming of transportation corridors, so that investments in roads and streets provide safe and convenient accommodation for all modes of travel, including walking, bicycling, transit, and driving.
10. Put all modes on **equal footing** with respect to the analytic process through which projects are selected.
11. Avoid weakening any of the **major environmental protections** enacted since 1970, including NEPA, clean air or clean water legislation, and related environmental protection laws and regulations as a strategy to speed transportation project delivery.

## Basis for These Proposals

### **Travel Choices**

The foundation of our platform is expanding choices for travel. This includes expanding transit service but also building our public facilities for safe and convenient accommodation of walking and bicycling. Roughly 40% of all trips in metropolitan areas are two-miles in length or less, which are trips that can and should be taken on foot or bicycle but are still taken primarily by car due to disjointed land use patterns, poor infrastructure design, and limited connectivity. By investing in our corridors, with a complete streets policy in place, we are making the most efficient use of our transportation funds. Streets that provide flexibility in how they are used, offer the most public benefit by accommodating all users and increasing the efficiency – economically, environmentally, logistically - of our transportation network.

### **Reinvesting in Existing Cities**

A significant part of America's future lies in its metropolitan areas. Our metropolitan areas are home to over 80% of the US population and generate over 85% of the gross domestic product. These percentages will increase in the coming decades.

For the past fifty years, our national surface transportation program has been designed to foster the decentralization of settlement patterns, creating vast areas of suburban and exurban development, and playing an important role in the depopulation of our older core cities, towns and villages. This pattern is not sustainable and does not reflect the needs of a changing population and a changing economy, especially in light of its inherent energy demands. We need to refocus our transportation program on our existing urbanized places – our core cities, our existing suburbs, our towns and our villages - to accommodate our future growth.

Smaller cities have needs too. We must invest in transportation for our small cities, towns and rural areas by supporting improvements in public transit, walking, and bicycling. We must ensure that improved connectivity, safety, and public health are prioritized to prevent sprawl and to provide transportation choices in these important places.

The time has come for an urban renaissance that deploys federal transportation funding as one tool in the redevelopment and revitalization of America's existing places.

## **II. Transportation for a 21<sup>st</sup> Century Economy**

## II. Transportation for a 21<sup>st</sup> Century Economy

*We believe: The surface transportation program should improve and protect U.S. competitiveness in the global economy.*

### Our Objectives

- √ Ensure all Americans have the mobility and access needed to participate fully in a **robust economy**.
- √ Begin addressing our transportation infrastructure crisis by taking better care of what we have already built, bringing our transportation assets into a condition of **good repair**.
- √ Make strategic investments in transportation that catalyze creation of **green jobs** that are environmentally and economically sustainable.
- √ Embark on a national program to bring modern **urban transit networks** to the nation's 50 largest metropolitan areas by 2030.
- √ Support cities, towns, and rural places in the creation of modern, complete **transit, bicycling and walking networks**.
- √ Complete a **national intercity passenger rail network** that links all ten of the nation's mega-regions by 2030 with direct, high-speed (> 90 mph) rail services.
- √ Connect our cities and regions to the global economy by improving the efficiency of **long distance freight** distribution.
- √ Re-establish transportation **research, data collection** and reporting as important federal functions.

### Here's How

1. Set national minimum **State of Good Repair** criteria for all modes and provide financial rewards and penalties for states and regions based on progress toward State of Good Repair objectives.
2. Establish a **National Infrastructure Commission** with the mission of identifying investments of national priority, focusing on multimodal intercity corridors of national significance, including a national intercity rail network and key freight corridors co-located where possible with electricity infrastructure.
3. Significantly enlarge the funding made available for **public transit systems** and for **walking and bicycling facilities**.
4. Provide direct incentives and support for creation of **transit oriented development districts** around corridor transit stations, with bonuses given for preservation and creation of **mixed-income** housing.



Here's  
How

5. Develop an expanded, consistently-funded transportation **research program** that improves our ability to address the challenges identified in this Platform and our ability to achieve National Transportation Objectives, specifically data related to use and safety of bicycle and pedestrian facilities.
6. Ensure that any consolidation and reorganization of program funding categories supports the objectives and priorities of this platform and includes creation of a **multimodal metropolitan mobility** program empowering local and regional entities to make investments that strengthen their cities and improves their sustainability and economic competitiveness.

## Basis for These Proposals

### **Economic Competitiveness**

Many nations are rapidly developing 21<sup>st</sup> Century transportation systems that are energy efficient and climate friendly. In today's global economy, America's reliance on a petroleum-based transport system represents a serious competitive disadvantage. To remain competitive, we need more efficient and less polluting ports, high speed passenger rail connections between our cities, improved intercity rail freight capacity, and convenient commuting systems that are not petroleum-dependent and are more resilient to fluctuations in energy costs.

We need intercity passenger rail systems to alleviate capacity and cost issues of air travel and to reduce reliance on auto travel in congested intercity corridors. We need expanded rail freight systems to improve our physical distribution efficiency and to mitigate further growth in truck volumes on rural interstates. We need modern urban transit systems to reduce the amounts that households and businesses spend on gas to get to work and to deliver needed goods and materials.

America's transportation system is still organized to serve a 20<sup>th</sup> Century industrial economy. Without smart, strategic investments in modern transportation systems, America will be supplanted as the world's most productive economy.

### **Maintaining and Improving Infrastructure**

The nation's transportation assets are deteriorating. The need to bring our existing transportation system to a state of good repair and stabilize the condition our surface transportation system has been well documented and has been dramatized for the public by high-profile facility collapses. This need spans all modes, affecting not only highways, but public transit as well.

However, we are making little progress toward more responsible management of these essential assets. This challenge is compounded by the fact that in many states and regions, aggressive roadway expansion continues, increasing our exposure to future maintenance and repair costs. This has prompted a few states, including New Jersey, Michigan and Massachusetts, to adopt "fix-it-first" laws in an attempt to step into the policy vacuum and address this need in the absence of federal direction. Our nation will not be able to compete in a global economy if our basic transportation infrastructure is not maintained or if we continue to pour our transportation investments into low-yield exurban expansion.

### **Freight**

Interstate and international commerce have always been critical elements in U.S. economic strength. Over the last few decades, the development of globalized, trade-dependent supply chains has led to substantial growth in the demand for efficient, long-distance freight movement. Our investment in the efficiency and capacity of our freight infrastructure has lagged behind this demand. Now, we are faced with the additional challenge that our interstate freight networks are almost entirely dependent on petroleum and face steep increases in the cost of fuel that we are unprepared to address.

## Basis for These Proposals

Urgent freight transportation needs include efficient connections from ports to national freight corridors, new intermodal facilities to transfer between rail and truck, and expansion of cross-country rail freight mainlines, which provide an essential alternative to less efficient, oil-dependent motor trucks. (While rail freight movement consumes energy, too, it is far more energy efficient than truck freight for longer distance movement.) In many states, the largest single source of growth in Greenhouse Gas (GHG) emissions will be growing truck traffic, which is expected to double by 2035. We need to manage this demand and reduce emissions while keeping our economy moving.

Strategic design and intelligent transportation technologies have been underutilized in addressing chokepoints in key freight corridors. Freight is given little priority in regional planning and management of transportation corridors. Energy efficient modes of freight, such as rail and barge, have received less attention and funding in the federal transportation program. As energy prices rise these deficiencies are hampering our economic prospects.

### **Environmental Justice**

Historically, low-income and minority communities across the country have been damaged by highway, freight facilities, and other investments in which they had little voice. Transportation projects have disproportionately benefited some and burdened others, often along race and income lines. Many transportation projects and plans are still developed without meaningful involvement of affected communities, leading to projects that detract from quality of life, public health, safety, and personal mobility. This isolates them from economic opportunity.

This is more than an equity issue. The strongest economies are those that open the doors of opportunity wide to all people. To compete effectively in a global economy we must renew our commitment to egalitarian access to the benefits of a national transportation program.

### **Green Jobs**

The construction, maintenance and operation of transportation services and facilities comprise a large and growing component of the American economy. While the federal transportation program has been seen, in part, as a jobs bill, there has been little or no strategic thinking about creating sustainable jobs that reflect modern energy efficiency and climate change realities.

Investments in transit expansion projects can reduce per capita carbon emissions and create jobs. Transit projects generate nine percent more jobs per dollar spent than road and bridge repair and maintenance projects, and nearly 19 percent more jobs than new road or bridge projects. A modern – 21<sup>st</sup> Century – transportation program would create professional jobs in software engineering; electronic and digital systems design; transit facility and equipment design; and communication systems operation and maintenance; as well as a wide range of jobs in transit facility and equipment maintenance and operations; and road and street maintenance.

***This page blank***

# **III. Transportation, Energy and Climate Change**

### III. Transportation, Energy and Climate Change

*We believe: A core mission of the surface transportation program should be to reduce the amount households and businesses spend on transportation and reduce the nation's dependence on oil.*

#### Our Objectives

- √ Reduce the impact of **rising energy costs** on families by reducing the inherent necessity of motor vehicle travel for access to jobs, education, shopping and recreation.
- √ Reduce our **reliance on petroleum products** for transportation to no more than 20% by 2050 (from more than 95% today).
- √ Make a significant contribution to achievement of the nation's **climate change** objectives through transportation program reform. Assume a world leadership role in addressing climate change by reducing greenhouse gas emissions from the transportation sector to 20% below 1990 levels by 2020 and to 80% below 1990 levels by 2050.
- √ Increase access for households of all incomes to decent, affordable **housing near public transit**, job centers and other locations that facilitate reductions in transportation costs.

#### Here's How

1. Significantly increase the share of federal, state and local **investment in public transit** systems and in **walking and biking** facilities by increasing the funding available for those modes, by erasing the barriers to transit capital projects inherent in current federal rules and procedures, and by placing all modes on an equal footing in terms of federal cost participation ratios.
2. Establish **incentives** to ensure that sufficient state and local **transit operating and maintenance** funds will be available to operate current services and to support proposed service expansions.
3. Set **national transportation energy use and greenhouse gas emission reduction objectives**. Allocate transportation energy use and GHG reduction targets to states and metro regions. Implement funding rewards and penalties for states and regions that fail to make progress toward their share of the transportation energy use and GHG emission reduction objectives.
4. Target transportation investments to support convenient, complete and inclusive communities with a complete mix of housing types and incomes, where necessities and amenities are close by, and people can walk, bike, ride transit and drive.



## Here's How

5. Increase **funding incentives** for transportation policy innovations such as mixed-income, transit-oriented development, car/bike sharing, parking cash out, congestion pricing, complete streets retrofits, technological improvements, pay-only-when you drive insurance, transportation-efficient neighborhoods and developments, and other state and local programs that reduce: the burden on the transportation system; oil consumption; and greenhouse gas emissions..
6. Develop strong program funding incentives for jurisdictions to increase the availability of affordable homes to families with a mix of incomes near public transit stops and job centers.
7. Monitor the **cost burdens** of direct transportation user fees – including transit fares, toll road tolls, and congestion pricing systems –on low and moderate income families to ensure such fee systems are affordable and equitable. When appropriate, require use of toll receipts to fund cross-modal investments to improve equity.

## Basis for These Proposals

### **Affordability**

Americans spend about 20 percent of household budgets on transportation. For many working families that number is much higher, raising transportation above shelter as a percentage of household income. This situation is caused by limited availability of transportation choices and by sprawl, which make it difficult or impossible to reach school, work and shopping without traveling long distances by car. While the need for “affordable housing” has received well-deserved attention, the fact is that achieving “affordable living” may be the more important objective, reflecting the combined burden of transportation and housing costs as a percentage of household income. For many working households the goal of affordable living is becoming less attainable as fuel prices and trip lengths increase.

### **Greenhouse Gas Emissions**

Nationally the transportation sector is responsible for one third of CO<sub>2</sub> emissions. In fact, transportation is our second largest and fastest growing source of greenhouse gases. Each second, America’s transportation system burns 6,300 gallons of oil, producing more CO<sub>2</sub> emissions than any other nation’s entire economy except China.

Transportation sector CO<sub>2</sub> emissions are a function of fuel efficiency, fuel carbon content, and vehicle miles of travel (VMT). Federal and state energy and climate policy initiatives have focused almost exclusively on technological advances in vehicles and fuels, the first two factors. However, we must also address VMT growth or we will not succeed at limiting GHGs to levels required to avoid unacceptable climate change.

### **VMT Growth**

Since 1980, the annual miles driven by Americans have grown three times faster than the U.S. population and almost twice as fast as vehicle registrations. If this trend were to continue, VMT would increase by 60 percent from 2005 to 2030, overwhelming the GHG reductions generated by increases in fleet efficiency. Targets set by the scientific community for reducing GHG emissions by 60 to 80 percent relative to 1990 by 2050 will require significant reductions in the rate of VMT growth in the U.S. in order to avoid the most catastrophic impacts of climate change.

However, VMT trends are now being affected by fuel prices and related economic trends. While vehicular travel continues to grow throughout the Sunbelt, in the Southwest, and on the West Coast, it has slowed or halted in many Midwestern and Eastern states. Overall, the nation has seen two consecutive years of annual VMT decline (2006 and 2007) – the first since the end of World War II. For the nation’s fastest growing states – California, Arizona, Texas and Florida – managing VMT growth will continue to be an urgent need. Other states will face a policy conundrum as they try to determine whether to view recent VMT declines as an opportunity to pull back from costly highway capacity expansion, or as a temporary “dip” in the long term trend.



## Basis for These Proposals

### **Energy Security**

Over 95 percent of U.S. transportation energy is petroleum-based and 60 percent of that is imported. This dependence exposes Americans to economic risks associated with higher fuel prices.

Growth in transportation sector energy demand due to sprawl and the resulting growth in VMT also threatens our energy independence and poses a national security threat. Rising fuel costs are affecting the U.S. economy in ways that go far beyond the pump price of gasoline.

As petroleum costs continue upward, driven to a significant degree by an inefficient, oil-dependent transportation system, the direct economic impacts at the household level include:

- Loss of jobs and increasing unemployment;
- Lower disposable personal income;
- Higher costs for household basics;
- Reduced per capita consumption expenditures, and
- Reduced personal savings.

These effects generate secondary impacts that reverberate throughout the economy, affecting the availability of money for capital investment, the ability of households to buy and make payments on homes and other real estate, and the strength of the U.S. dollar vis-à-vis foreign currencies.

Higher fuel costs are increasing cost of freight transportation, thereby increasing the cost of all retail products. The U.S. independent trucking industry is currently in decline due to the effects of higher fuel costs on small truckers and their inability to charge higher freight costs in a weak economy. Many small trucking companies are simply parking their trucks, unable to stay in business.

These impacts are compounded for public transit providers because their fuel costs are increasing at the same time that demand for transit service is growing rapidly. According to the American Public Transit Association, 85% of transit providers are currently experiencing capacity issues as ridership grows and 91% are unable to meet that demand due to limited budgets. Even more troubling is the fact that more than one-third of transit service providers are being forced to consider service cuts, as a result of increased operating expenses – even as demand is increasing.

***This page blank***

# **IV. Transportation Drives Development**

## IV. Transportation Drives Development

### Our Objectives

- ✓ Foster **land use patterns** that can be served efficiently and sustainably by well-planned national, regional and local transportation networks.
- ✓ Establish as national policy the principle that land use and transportation must be planned in a coordinated, integrated manner – at the state, regional and local levels of governance.
- ✓ End the federal subsidization of sprawl and replace it with a commitment to transportation investments that support **compact, mixed use, mixed-income development** patterns.
- ✓ Become an active partner with the nation’s cities and counties in the redevelopment of our metropolitan regions by making **urban renaissance** an explicit national objective of the surface transportation program.
- ✓ Invest in transportation choices for rural America that improve economic opportunity, quality-of-life, and help prevent the conversion of rural lands to low-density suburban development.

### Here’s How

1. Create a transit-oriented development **tax credit** to support and accelerate development of compact, mixed use, mixed income development around rail and other high capacity transit stations.
2. Increase local flexibility and self-determination by removing barriers to use of federal transportation funds for investments in land use and local infrastructure that reduce VMT.
3. Use federal funds to leverage and invest directly in projects that bring destination land uses, (schools, groceries, health care services, etc.) to transit centers and neighborhoods as part of a comprehensive local accessibility strategy.
4. Develop technical assistance and guidelines for the routine forecasting and evaluation of the impacts of transportation investments on development patterns, including infill, redevelopment, compact urban development and sprawl.
5. Establish national minimum guidelines for coordinating state and metropolitan transportation planning with other planning processes to ensure **integration of land use and transportation** activities resulting in more compact, mixed-income communities served by transit.
6. Require the use of **scenario planning** techniques in the development of future Long Range Transportation plans, similar to Envision Utah or the Sacramento Blueprint. This effort must engage the public and analyze growth, demographics, climate impacts, energy and other trends while fulfilling the National Transportation Objectives as they are realized at the local level.

## Here's How

7. Encourage the use of federal funds to replace the overly-large, harsh and utilitarian roads and freeways inherited from the suburban era, by investing in the **redesign and retrofitting** of a new generation of "great streets" benefiting and adding value to the neighborhoods and communities they serve.
8. Support locally-appropriate decision-making and development strategies by empowering regional **transportation planning** entities. Increase their capacity, decision-making authority and allow for direct allocation of federal funds to support their programs.

## Basis for These Proposals

### **Sprawl**

Much of our growth in VMT is non-productive, characterized by an increase in driving without a corresponding increase in access to destinations. This has been caused by inexorable expansion of disconnected land use patterns that require more driving. Across the U.S., land was consumed for development at three times the rate of population growth between 1982 and 2002. Sprawl has the strongest influence on VMT per person – more than population growth, changing demographics or increases in per capita income.

More than 60 percent of the growth in driving and associated energy consumption is due to land use patterns of single uses served by a disconnected road network. American households are spending more on transportation as part of their household budget due to the necessity in much of the country to own vehicles and drive, rather than walk, ride a bike or take public transit. Sprawl is costly financially, environmentally, and from a public health perspective. Auto-oriented communities that don't provide safe active living opportunities are associated with increased levels of obesity; air pollution resulting from increased VMT in these communities threatens respiratory health, particularly for our seniors and children.

For many years, in the face of steadily rising housing costs, many working Americans adapted by finding homes farther and farther out from developed areas – an effect known as "drive 'till you qualify." That trend now has placed thousands and thousands of households in danger as higher pump prices for gasoline, combined with a weaker economy and higher unemployment rates, threaten their ability to make mortgage payments.

### **Traffic Congestion**

For the past two decades transportation policy making and transportation planning have been narrowly focused on traffic congestion. Previous surface transportation bills have called for "managing," "reducing," or "alleviating" congestion. Despite significant investment, congestion is worse than ever.

Congestion is an issue for many Americans. As a result of sprawl and increased driving, congestion in our nation's metropolitan areas is bad and getting worse, wasting fuel and time, and impairing economic vitality. Further, only a small portion of the U.S. population is able to avoid congestion completely by taking public transit, walking or riding a bike.

## Basis for These Proposals

However, the congestion problem has been oversimplified. Land development patterns and transportation interact with each other in complex ways. When new roadway capacity is built to reduce congestion, it has the unintended effect of encouraging low density development of outlying areas, which in turn produces more traffic. Research has shown that much of the capacity of new or expanded roadways is consumed, not by the traffic for which they were planned, but by new traffic produced by sprawling development.

The expenditure of trillions of dollars in the U.S. over the life of the modern highway program has added many thousands of miles of new roadway lanes. But this has not alleviated congestion. The metropolitan regions with the most aggressive freeway construction programs – Los Angeles, Phoenix and Houston, among others – have not been able to reduce per capita annual delay. Today, these same regions are engaged in aggressive plans to build public transit systems to give citizens the choice to opt out of congestion. Our policies have built vast roadway systems with vast amounts of traffic across ever-expanding urban regions. Unfortunately, these policies have also increased congestion.

### **Population Growth and Demographic Trends**

The nation's population is forecast to increase by 40 percent over the first half of the 21st Century to a total of 420 million, leading to significantly heightened demands on an already burdened transportation system. At the same time, related demographic trends – aging and retirement of the Baby Boomers, rise of small and non-traditional households – will significantly increase demand for new housing located in compact mixed use areas in our cities, suburbs and towns – already a large and underserved market.

Our population will be older and demographers anticipate that aging Baby Boomers will drive less than their younger counterparts, though more than the 65 and over population drive today. In studies, many older people say they fear health problems that will make them unable to drive because that would mean they would have to move from their homes and neighborhoods. Many communities have been built without provisions for older people to age in place – getting to the store, healthcare facilities, family, and friends with ease without being required to drive.

### **Environmental Protection**

Roads and streets represent massive infrastructure systems affecting vast areas of the American landscape. These facilities and the traffic they carry put pressure on our natural resources and our human environment.

Transportation impacts on water quality, air quality, wildlife habitat and migration corridors, along with many other effects, are acknowledged and much studied. However, while environmental laws and regulations have grown greatly over the past 50 years, the negative impact of transportation on our environment continues to be an important issue.

While federal legislation has done much to mitigate environmental degradation, the benefits of these efforts – especially in air quality and water quality – are gradually being consumed by fast growth in motor vehicle traffic and in the facilities that carry it.

# **V. Public Health and Safety**

## V. Public Health and Safety

*We believe: The surface transportation program should improve public health and safety.*

### Our Objectives

- ✓ Reduce the rate of **serious injuries and loss of life** on our nation's streets and highways for motorized and non-motorized travel.
- ✓ Ensure that **public health** issues are addressed in transportation investment decision making.
- ✓ Invest in transportation initiatives that improve the health and safety of our **children**.
- ✓ Expand transportation programs that offer options to the **elderly and disabled** so that driving is not the only option available in their communities.
- ✓ Make safe, convenient walking and bicycling the cornerstones of a higher quality of life in communities and neighborhoods and encourage a shift of short trips to these modes.
- ✓ Expand public transit and mixed-income transit-oriented development to improve access to health care and reduce time and environmental pollution associated with high daily per capita VMT.

### Here's How

1. Set specific national targets for safety improvement, particularly in walking and bicycling, as part of the **National Transportation Objectives**.
2. Revise the current Safety Program to better reflect the risks to bicyclists and pedestrians; and increase the level of commitment to **Safe Routes to School**.
3. Make **Active Transportation** a mandatory design and project eligibility criterion for all surface transportation programs.
4. Formalize **Context Sensitive Design and Solutions** as required elements of program and project development. Provide updated design guidance for well-connected, sustainable street design.
5. Make **Health Impact Assessments** (HIAs) mandatory evaluation elements of transportation environmental impact statements and environmental assessments; account for direct and indirect economic impacts of health burdens and benefits.



## Here's How

6. Increase the funding for **paratransit** and other specialized services for the elderly and disabled that improve their access to services and local destinations.
7. Reduce and mitigate the health impacts associated with the location of highways, diesel rail lines, and freight facilities near residential areas.
8. Rewrite the air quality "**conformity**" provisions and the **Congestion Mitigation and Air Quality** (CMAQ) program to improve simplicity and efficacy in selecting better projects.

## Basis for These Proposals

### **Public Health**

Increased reliance on autos as the primary mode of transportation contributes to a host of negative health impacts in addition to the immediate health consequences of traffic accidents. These impacts include increased incidence of obesity, cardiovascular disease, diabetes, asthma and lung disease, among others. Two principal factors are at work here.

First, the trend toward built environments that are dominated by large streets and heavy traffic has discouraged active living in most of our neighborhoods. People (especially children) do not walk or bicycle as much as they did thirty years ago. Research over the past decade has confirmed that the way we have been building our neighborhoods, business districts and schools is reducing our physical activity, and that in turn is adversely affecting our health.

Second, increased traffic is harming public health by exposing people to high levels of air pollution. For example, people who suffer from asthma and live near heavy vehicular traffic are nearly three times more likely to visit the emergency department or be hospitalized for their condition than those with less traffic exposure. Moreover, living in areas exposed to heavy traffic is a burden borne disproportionately by people in low income, under-served communities and by communities of color.

This is a critical economic issue. Annual health care costs in the U.S. total \$2 trillion. Health care costs are a leading cause of bankruptcy for individuals and families. Many of the diseases that drive these statistics are directly affected by transportation and land use decisions and could be mitigated by active living, improvements in air quality and improvements in traffic safety.

### **Safety**

Traffic crashes take a significant toll on Americans. Over the last two decades, traffic deaths have hovered around 43,000 per year, about 5,000 of whom are bicyclists or pedestrians. Motor vehicle accidents are the leading cause of death for Americans aged three to 33 and 2.5 million people are injured on our roads each year.

This toll affects our nation's economy. According to research conducted for the American Automobile Association (AAA), auto accidents cost each American more than \$1,000 a year. Traffic accidents in total cost the U.S. economy \$164 billion annually.

We have taken major strides nationally to improve traffic safety. Drunk driving laws, driver education programs, increased law enforcement, seat belts, and airbags are just a few of the positive steps taken. However, we have not yet seriously addressed the relationship between traffic volume, traffic speed and motor vehicle accidents, injuries and deaths.

**VI.**  
**Funding a 21<sup>st</sup> Century  
Transportation System**

## VI. Funding a 21<sup>st</sup> Century Transportation System

*We believe: New or increased revenue sources for the federal surface transportation program should be equitable, consistent with national goals, and sustainable over the long term.*

### Our Objectives

- √ Develop revenue sources sufficient to fund the levels of investment called for in this Platform.
- √ Choose **long term revenue** sources that are not dependent on petroleum consumption and are **consistent** with the nation's energy, climate change and economic goals.
- √ Allocate the financial burden of new or increased revenues **equitably** across income groups.
- √ Ensure that revenue sources **reward energy efficiency**, are closely linked with actual transportation system use, and **allocate user costs fairly** across modes and vehicle types.
- √ Involve the private sector in transportation funding in a responsible manner that ensures long term public benefit and **protects public assets**.

### Here's How

1. Require a **direct connection between support for new revenue sources and the priorities** called for in this Platform: development of modern urban transit systems; development of an intercity rail passenger system; and redirection of the roads and streets programs into "state of good repair." **Do not allow a general across-the-board increase** in transportation funding that continues the single mode, highway-only orientation inherent in the surface transportation program over the past 50 years.
2. Use **fuel tax increases as interim stopgap measures** only. Begin setting the stage for a new set of **sustainable and equitable funding sources**. Consider the potential for a national VMT tax as a key long term basis for funding surface transportation by requiring appropriate equipment in new vehicles and service station fueling devices and by funding continuing technical research and development with the intent that a VMT tax potentially could be implemented in the next update of surface transportation authorization legislation.
3. Dedicate that portion of proceeds from a national **cap and trade system or a carbon tax** that are derived from mobile surface transportation sources to funding those components of the surface transportation program that will reduce greenhouse gas emissions.

Here's  
How,  
Continued

4. Establish a **National Infrastructure and Transportation Bank** to monetize tax increment financing and private sector value capture benefits for capital improvements.
5. Provide clear guidance for **public-private partnerships (PPP)**, including toll facilities, congestion pricing systems, turnkey projects, and privatization of public infrastructure. Require that PPP business deals conform to the following principles:
  - Ensure complete **transparency** of all business deals and an open public review process;
  - Retain **public control** over decisions about transportation planning and management;
  - Guarantee **fair value** so that facilities and future toll revenues are not sold off at a discount;
  - Protect the public interest in **location efficient development** patterns, in reducing **greenhouse gas emissions**, and in protecting the **environment**; and,
  - Ensure full **political accountability** for outcomes.

## Basis for These Proposals

### **Transportation Revenue Sources**

Motor fuel taxes have been the principal source of highway funding for the last 80 years, although other revenue sources are prominent in the funding of local roads and transit.

As fuel prices have rapidly escalated since 2006, the US has begun to see the first sustained decline in national daily vehicle miles of travel (VMT) since before World War II. This has aggravated a problem that was already anticipated: receipts to the Federal Highway Trust Fund have not been enough to support the contract obligations authorized by Congress through SAFETEA-LU and recent appropriations bills.

Now, with VMT below forecast, fuel tax revenues are even lower than expected, with the result that the gap between authorization levels and income has arrived sooner and in greater magnitude than originally forecast. In September 2008, Congress made an emergency appropriation of \$8 billion from general funds to keep the Highway Trust Fund solvent through the end of calendar year 2008.

Whether this is a long term trend or not is difficult to predict. There is assuredly some amount of elasticity of motor vehicle travel in relation to gas prices, but in the past Americans have tended to increase their driving again once the initial “sticker shock” has passed. In the present case, however, it is also difficult to predict what will happen with future fuel prices. The underlying forces driving petroleum prices higher – economic growth in China, India and Third World nations, coupled with a leveling off of growth in worldwide petroleum production capacity – are not going to go away. A world recession could slow the trend but will not likely reverse it.

A surface transportation program that is dependent on petroleum consumption is a bad idea for many reasons. The original concept of the fuel tax as a user fee dedicated to road construction will be increasingly out-of-date in the 21<sup>st</sup> Century as the nation’s surface transportation program becomes more multimodal, with a new emphasis on investments in urban rail transit and intercity high speed rail. Over-reliance on fuel taxes also makes the surface transportation program dependent on growth in petroleum consumption with the attendant economic, national security and climate change issues.

Continued reliance on increases in fuel purchases to grow revenue for transportation system investments is no longer good policy. Congress should begin the process of replacing the fuel tax with more sustainable revenue sources.

## Transportation for America – Partners

### Executive Committee

Reconnecting America  
Smart Growth America  
Action! For Regional Equity  
America Bikes  
American Public Health Association  
Apollo Alliance  
LOCUS – Responsible Real Estate Developer and Investors  
National Housing Conference  
National Association of City Transportation Officials  
National Association of Realtors  
National Resources Defense Council  
PolicyLink  
Surface Transportation Policy Partnership  
Transit for Livable Communities  
US PIRG

### Elected Officials

U.S. Representative Diane Watson (Los Angeles, CA)  
King County Executive Ron Sims (Seattle, WA)  
City of Missoula Mayor's Office (MT)

### National Groups

Smart Growth America (co-chair)  
Reconnecting America (co-chair)  
The Surface Transportation Policy Partnership  
PolicyLink  
Amalgamated Transit Union  
America 2050  
America Bikes  
The American Institute of Architects  
America Walks  
American Public Health Association  
Apollo Alliance  
BOMA International  
CEOs for Cities  
Center for Neighborhood Technology  
Coalition on Regional Equity (CORE)  
Congress for the New Urbanism  
Enterprise Community Partners  
Environment America  
Environmental & Energy Study Institute (EESI)  
Environmental Defense Fund  
Fresh Energy  
Holland & Knight  
Housing Preservation Project  
Jonathan Rose Companies  
League of Conservation Voters  
Local Initiative Support Corporation (LISC)  
LOCUS: Responsible Real Estate Developers and Investors

### State, Regional, and Local Groups

1,000 Friends of Wisconsin (WI)  
10,000 Friends of Pennsylvania (PA)  
Action Committee for Transit (MD)  
All Aboard Ohio (OH)  
Action! For Regional Equity (MA)  
Bike, Walk Ohio! (OH)  
b'more mobile (MD)  
Central Maryland Transportation Alliance (MD)  
Citizens for Progressive Transit (GA)  
CNU New York (NY)  
Connecticut Fund for the Environment (CT)  
Council of Senior Centers & Services  
Elm City Cycling  
Dane Alliance for Rational Transportation (DART)  
Environmental Law and Policy Center  
FRESA: Good Jobs, Strong Communities  
Georgia Conservancy (GA)  
Georgia PIRG (GA)  
Greater Baltimore Committee (MD)  
Greenbelt Alliance (CA)  
Green Millennium  
Green Wheels (CA)  
Growsmart Maine (ME)  
Growth And Justice (MN)  
Houston Tomorrow (TX)  
Livable Communities Coalition (GA)  
Los Angeles County Bicycle Coalition (CA)  
Los Angeles Walks (CA)

Main Street Project  
National Association of Local Boards of Health (NALBOH)  
National Association of City Transportation Officials  
National Association of County and City Health Officials (NACCHO)  
National Association of Realtors  
National Center for Bicycling & Walking  
National Coalition for Promoting Physical Activity  
National Housing Conference  
National Housing Trust  
Natural Resources Defense Council  
National Recreation and Park Association  
Project for Public Spaces  
Sam Schwartz Engineering, PLLC  
Stewards of Affordable Housing for the Future  
STV Inc  
Transportation Equity Network (TEN)  
Thunderhead Alliance  
Trust for America's Health  
U.S. Public Interest Research Group

Madison Area Bus Advocates (WI)  
Massachusetts Smart Growth Alliance (MA)  
Metropolitan Planning Council (IL)  
Michigan Environmental Council (MI)  
Michigan Suburbs Alliance (MI)  
Missouri Bicycle Federation (MO)  
Montana Smart Growth Coalition (MT)  
New Jersey Future (NJ)  
Northeast-Midwest Institute (NE & MW States)  
Parry Transit  
PenTrans (Pennsylvanians for Transportation Solutions, Inc.) (PA)  
PennEnvironment (PA)  
Plan It (NY)  
Regional Transportation Authority (Chicago) (IL)  
Regional Plan Association (NY-CT-NJ)  
San Luis Obispo County Bicycle Coalition  
Smart Growth Partnership  
Sonoran Institute (Western States)  
Southern Environmental Law Center  
SPUR  
San Francisco Bicycle Coalition (CA)  
The Transit Coalition (CA)  
Transit for Livable Communities (MN)  
TransForm (Formerly TALC)  
Tri-State Transportation Campaign (NYC)  
Urban Habitat  
Utah Transit Authority (UT)  
Vision Long Island (NY)  
Washington Area Bicyclist Association (DC)  
WALKSacramento (CA)



Agenda Item Number 7.4

**Resolution No.09-4014**, For the Purpose of Authorizing an Intergovernmental Agreement with TriMet providing the Funding Coordination for Metro's Transit-Oriented Development and Urban Centers Program.

Metro Council Meeting  
Thursday, January 15, 2009  
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING AN ) RESOLUTION NO. 09-4014  
INTERGOVERNMENTAL AGREEMENT WITH TRIMET )  
PROVIDING FOR FUNDING COORDINATION FOR ) Introduced by Chief Operating  
METRO'S TRANSIT-ORIENTED DEVELOPMENT AND ) Officer Michael J. Jordan, with the  
URBAN CENTERS PROGRAM ) concurrence of Council President  
 ) David Bragdon

WHEREAS, on April 9, 1998, the Metro Council adopted Resolution No. 98-2619 (For the Purpose of Authorizing Start-Up Activities for the Transit-Oriented Development (TOD) Implementation Program at Metro), which authorized start-up activities and set forth the operating parameters of the TOD Program in a Work Plan providing for selection criteria for TOD projects; and

WHEREAS, implementing transit-oriented development is a cost-effective means to increase transit ridership, reduce congestion, and improve air quality, and is an important component in realizing the Region 2040 Plan; and

WHEREAS, both TriMet and Metro participate in TOD planning review, advocacy, technical assistance and development review, and they wish to coordinate TOD funding to improve the efficiency of government; and

WHEREAS, by Resolution No. 99-2858 (For the Purpose of Authorizing a Revenue Neutral Intergovernmental Agreement with TriMet Concerning Transit-Oriented Development and Increasing the Level of Transit Service), adopted November 18, 1999, the Metro Council authorized an intergovernmental agreement (IGA) between TriMet and Metro obligating Congestion Mitigation Air Quality (CMAQ) and Surface Transportation Program (STP) funds to TriMet for capital and operating needs in return for a commitment to contribute TriMet General Funds to the TOD Program; and

WHEREAS, by Resolution No. 01-3114A on November 8, 2001, and by Resolution No. 03-3314 on May 15, 2003; by Resolution No. 04-3478 on July 15, 2004 and by Resolution No. 05-3627 on October 27, 2005 (For the Purpose of Authorizing Amendment Nos. 1-4 to an Intergovernmental Agreement with TriMet Concerning Transit-Oriented Development and Increasing the Level of Transit Service), Metro and TriMet amended the IGA to modify the source and amount of funding and to increase the level of transit service; and

WHEREAS, the TOD Work Plan was amended: (1) to include provision for a site improvements category by Resolution No. 00-2906 (For the Purpose of Amending the TOD Program Procedures to Facilitate TOD Projects Including the Round at Beaverton Central,) adopted March 9, 2000; (2) to include additional light rail corridors, streetcar, frequent bus, urban centers and green buildings by Resolution No. 04-3479 (For the Purpose of Amending the Transit-Oriented Development (TOD) Program Work Plan to Expand the TOD Program Area and Initiate An Urban Centers Program,) adopted July 15, 2004; (3) to add selection criteria for frequent bus line projects by Resolution No. 05-3563 (For the Purpose of Amending the Transit-Oriented Development (TOD) Program Work Plan to Apply Additional Selection Criteria to TOD Program Frequent Bus Line Projects), adopted May 19, 2005; (4) to allow a process for unsolicited proposals by Resolution No. 05-3617 (For the Purpose of Amending the Transit-Oriented Development (TOD) Program Work Plan to Allow a Process for Consideration of Unsolicited Development Proposals for Metro TOD & Centers Program Owned Land), adopted September 13, 2005; and (5) to designate focus centers, establish an urban living infrastructure program, and make technical changes by Resolution No. 07-3861 (For the Purpose of Amending the Transit-Oriented Development (TOD) and Urban Centers Implementation Program to Designate Focus Centers, Establish an Urban Living Infrastructure Program, and Make Technical Changes), adopted November 1, 2007; and

WHEREAS, TriMet and Metro acknowledge the desire and need to continue to cooperate in encouraging TOD around transit stations, along transit corridors, and in Urban Centers served by transit, to coordinate development and implementation of such projects, and to work toward improving transit service for the region and wish to continue to coordinate and periodically transfer TriMet General Funds for the TOD Program to improve the efficiency of government in exchange for an equivalent commitment to obligate certain flexible federal funds to TriMet for bus and rail system purchases, and other TriMet uses; and

WHEREAS, Metro Council's consideration of this resolution is subject to the Metro Council's passage of the companion Ordinance No. 08-1204A (For the Purpose of Determining that Implementing Transit-Oriented Development is a Matter of Metropolitan Concern); now therefore

BE IT RESOLVED, that the Metro Council hereby authorizes the Chief Operating Officer to enter into the Intergovernmental Agreement for the Transit-Oriented Development & Urban Centers Program Funding Coordination between Metro and TriMet, attached herein to this resolution as Exhibit A.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

---

David Bragdon, Council President

Approved as to Form:

---

Daniel B. Cooper, Metro Attorney

**Exhibit A**  
**Intergovernmental Agreement**  
**Transit-Oriented Development & Urban Centers Program**  
**Funding Coordination**  
*(Placeholder)*

Exhibit A-1 of 4 to Reso. No. 09-4014  
Intergovernmental Agreement  
Transit-Oriented Development & Urban Centers Program  
Funding Coordination

**Intergovernmental Agreement  
Transit-Oriented Development & Urban Centers Program  
Funding Coordination**

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement"), dated this \_\_\_\_ day of \_\_\_\_\_ 2008, is by and between Metro, a municipal corporation and political subdivision of the state of Oregon ("Metro"), and the Tri-County Metropolitan Transit District of Oregon ("TriMet").

**RECITALS**

- A. Metro's Region 2040 Vision and Metro's long-range plan encourage mixed use development along light rail lines and mass transit routes and in compact regional and town centers – higher density areas that combine housing, employment, retail, cultural, and recreational activities in a walkable environment that is well served by transit, (hereafter "Transit-Oriented Development"). The regional benefits of Transit-Oriented Development in centers include: increased transit, walk and bike trips; reduction in congestion and VMT; better air quality; protection of farm and forest land; and more efficient provision of public services. Mixed-use centers also maintain property values, create a sense of community, and attract new business.
- B. Because they enhance the effectiveness of a public transportation, the Federal Transit Administration ("FTA") has approved joint development improvements that meet established criteria and enhance economic development or incorporate private investments in the improvement.
- C. On May 16, 1996, Metro and TriMet executed an Intergovernmental Agreement entitled "Transit-Oriented Development Revolving Fund Coordination Agreement" for the purpose of transferring Transit-Oriented Development staff members and functions from TriMet to Metro upon Metro's receipt of FTA grants; and assuring the consideration of the effect of Transit-Oriented Development projects on TriMet facilities and services.
- D. On April 9, 1998, via Metro Council Resolution No. 98-2619 (For the Purpose of Authorizing Start-Up Activities for the Transit-Oriented Development ("TOD") Implementation Program at Metro), Metro established the TOD Implementation Program for the purpose of acquiring property adjacent to transit stations to sell or lease to developers for the construction of TODs.
- E. On November 22, 1999, TriMet and Metro entered into an Intergovernmental Agreement between TriMet and Metro Regarding Transit-Oriented Development (TOD) Activities and Improving the Quality of Transit Service, providing for, among other things, the exchange between Metro and TriMet, of various Congestion Mitigation Air Quality (CMAQ) and Surface Transportation Program (STP) funds allocated to Metro for TriMet General Funds.

**Exhibit A-2 of 4 to Reso. No. 09-4014**  
**Intergovernmental Agreement**  
**Transit-Oriented Development & Urban Centers Program**  
**Funding Coordination**

- F. Subsequently, by Resolution Nos. 00-2906, 04-3479, 05-3563 and 07-3861, the Metro Council expanded the role of the Transit-Oriented Development Program to fund the following: (i) site improvements, (ii) projects near Frequent Bus Lines, (iii) projects adjacent to Interstate MAX, Airport MAX, MAX South Corridor, Portland Streetcar and in Regional and Urban Centers; and (iv) Urban Living Infrastructure elements, (hereafter "TOD Program").
- G. Concurrently, by Amendment Nos. 1-4 to the Intergovernmental Agreement between TriMet and Metro Regarding TOD Activities, set forth in Section E, above, TriMet and Metro extended the term of said IGA and periodically ratified and coordinated annual exchanges of STP Flexible Funds for TriMet General Funds, to provide for continuing TOD Program implementation.
- H. TriMet and Metro acknowledge the desire and need to continue to cooperate in encouraging TOD around transit stations, along transit corridors, and in Urban Centers served by transit, to coordinate development and implementation of such projects, and to work toward improving transit service for the region. Therefore, the parties to this Agreement wish to continue to coordinate and periodically transfer TriMet General Funds for the TOD Program to improve the efficiency of government in exchange for an equivalent commitment to obligate certain flexible federal funds to TriMet for bus and rail system purchases, and other TriMet uses.

NOW THEREFORE, pursuant to authority granted in ORS Chapters 267 and 268 and the Metro Charter, and in recognition of the mutual interests of the parties and based upon the terms and conditions herein, the parties hereby mutually agree as follows:

**AGREEMENT**

1. Definitions.

"MTIP" means the Metropolitan Transportation Improvement Program, which is the regional programming of highway and transit projects that use federal funds.

"STIP" means the State Transportation Improvement Program, which is the statewide programming of highway and transit projects that use federal funds.

"STP Flexible funds" means federal type Q-23 Surface Transportation Program funds allocated under federal legislation.

2. Metro Obligations

- a. Metro shall advocate for TOD projects within local, regional and national forums.

**Exhibit A-3 of 4 to Reso. No. 09-4014**  
**Intergovernmental Agreement**  
**Transit-Oriented Development & Urban Centers Program**  
**Funding Coordination**

- b. Metro shall continue to manage, develop, and implement TOD Program projects adjacent to the light rail stations and corridors, along Frequent Bus Lines and in Urban Centers, in accord with the TOD Urban Centers Implementation Work Plan, as amended by the Metro Council.
  - c. Metro will coordinate with TriMet from time to time and/or the Federal Transit Authority (FTA) to establish positive joint development precedent and policies. Metro further agrees that, on a biennial basis, if STP funds are allocated to Metro for the TOD Program it will, at its sole discretion, obligate said funds to TriMet for transit capital and operating needs, in exchange for a like amount of TriMet General Funds transferred to Metro.
2. TriMet Obligations. TriMet agrees that, in support of the TOD Program, if TriMet General Funds are reasonably available for an exchange, TriMet will periodically every two years, at its sole discretion, exchange TriMet General Funds for STP funds allocated to Metro for the TOD Program, TriMet may, in its sole discretion, seek authorization from the TriMet Board of Directors to participate in such an exchange of TriMet General Funds for TOD Program STP funds allocated to Metro through the MTIP process.
3. Identification and Obligation of Funds. Biennially, by the end of November, Metro and TriMet shall by joint letter or memorandum establish the appropriate amounts and timing of each recurring funding exchange set forth in Sections 2 and 3 above.
4. Separate Governments. The parties hereby agree and acknowledge that Metro is a separate and independent governmental body, and that the activities of Metro, its officers, agents and employees shall not constitute actions of TriMet for any purpose whatsoever.
5. Indemnification and Release.
  - a. To the extent permitted by Article XI, Section 7, of the Oregon Constitution and by the Oregon Tort Claims Act, TriMet hereby agrees to indemnify and hold harmless Metro and its elected officials, officers, agents, and employees from and against any and all liability, damage, action, costs, loss, claims, and expenses (including attorney fees) arising out of the activities of TriMet in performance of this Agreement.
  - b. To the extent permitted by Article XI, Section 7, of the Oregon Constitution and by the Oregon Tort Claims Act, Metro hereby agrees to indemnify and hold harmless TriMet and its elected officials, officers, agents, and employees from and against any and all liability, damage, action, costs, loss, claims, and expenses (including attorney fees) arising out of the activities of Metro in performance of this Agreement.
6. Situs of Agreement. The situs of this Agreement is Portland, Oregon, and any litigation hereto shall be governed by the laws of the State of Oregon and conducted in the Circuit Court for Multnomah County.

**Exhibit A-4 of 4 to Reso. No. 09-4014  
Intergovernmental Agreement  
Transit-Oriented Development & Urban Centers Program  
Funding Coordination**

7. Non-Transferability. This Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstances, be assigned or transferred by either party.

8. Contacts.

The Manager of this Agreement for Metro shall be (until such time as the Chief Operating Officer may name a replacement):

Robin McArthur, Regional Planning Director  
Metro  
600 NE Grand Avenue  
Portland, OR 97232

Any and all correspondence and reports shall be addressed to the Manager.

The Project Coordinator of this Agreement for TriMet shall be:

Neil S. McFarlane, Executive Director  
TriMet  
4012 SE 17<sup>th</sup> Avenue (check if this address or 710 NE Holladay, Portland, OR 97232)  
Portland, OR 97202

Any and all correspondence and payments shall be addressed to the Project Coordinator.

9. Term of Agreement. The term of this Agreement shall commence upon the last date of signature herein below and shall be one (1) year in duration. This Agreement shall automatically renew every year until terminated. This Agreement may be terminated mutually in writing, or unilaterally, preceded by ninety (90) days written notice.

10. Compliance with Laws. Metro and TriMet shall comply with all applicable federal, state, and local laws, rules, and regulations applicable to the parties, and shall award all contracts in accordance with these laws, including without limitation the provision required in public contracts under the Oregon Public Contracting Code.

11. Entire Agreement. Notwithstanding and succeeding any prior agreements or practices, this Agreement constitutes the entire agreement between the parties and may be only expressly modified in writing signed by both parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates hereinafter indicated as follows.

**Metro**

**TriMet**

By: \_\_\_\_\_

By: Fred Hawzen

Title: \_\_\_\_\_

Title: General Manager

Date: \_\_\_\_\_

Date: 12/17/08



## STAFF REPORT

### IN CONSIDERATION OF RESOLUTION NO. 09-4014, FOR THE PURPOSE OF AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH TRIMET PROVIDING FOR FUNDING COORDINATION FOR METRO'S TRANSIT-ORIENTED DEVELOPMENT AND URBAN CENTERS PROGRAM

---

Date: December 29, 2008

Prepared by: Megan Gibb  
Contact No.: 503-797-1753

## BACKGROUND

Metro's pioneering TOD Implementation Program is the first in the United States to use Federal Transit Administration (FTA) funds to acquire sites and write down land value for transit-oriented development that is higher density and mixed-use. Since the Metro Council authorized TOD Program start up activities in April 1998, work has begun on 36 projects and the program has been expanded to encompass streetcar lines, frequent bus routes, regional and town centers, and all of the MAX lines.

Projects funded by the TOD & Centers Implementation Program average more than three times the housing density than typical suburban apartment development. While most of these projects are 65-85 units/acre, some are significantly higher: the Merrick mixed-use (MLK Boulevard and Multnomah Street) is 198 units/acre; the Prescott mixed-use (North Prescott and North Interstate) is 163 units/acre; Buckman Terrace (Sandy and 16<sup>th</sup>) is 137 units/acre; and One 19 Towers (Southeast 119<sup>th</sup> and East Burnside) is 92 units/acre. These kinds of high-density projects with mixed-use and high quality transit service result in nearly 10 times more transit ridership and nearly 3 times more walking trips than development in the remainder of the region. A survey by Portland State University showed that 47% of trips by Merrick residents are by transit and walking.

In November 1999, Tri-Met and Metro entered into an Intergovernmental Agreement (IGA) for the purpose of improving transit service and further local funding of the TOD program. Metro provided State Transportation Improvement Program (STP) flexible funds and other federal funds for improving transit service. Tri-Met provided a like amount of local funds to Metro to leverage TOD program activities. The IGA has been amended biannually four times to reflect updated funding amounts. The fourth amendment is soon to expire. This resolution would authorize Metro's entry into an updated IGA with TriMet.

## ANALYSIS/INFORMATION

- 1. Known Opposition:** There have been five previous actions: an initial IGA with TriMet in November 1999, an amendment in November 2001, an amendment in May 2003, an amendment in July 2004; and an amendment in November 2005. None of these actions had opposition, and no opposition is expected.
- 2. Legal Antecedents:** The Metro Council authorized startup activities on April 9, 1998, by "Resolution No. 98-2619, for the Purpose of Authorizing Start-up Activities for the Transit Oriented Development (TOD) Implementation Program at Metro" for the Metro TOD Program.

The Metro Council authorized an Intergovernmental Agreement (IGA) between TriMet and Metro regarding Transit-Oriented Development (TOD) activities and improving the quality of transit service on November 22, 1999, by Resolution 99-2858 For the Purpose of Authorizing a Revenue Neutral Intergovernmental Agreement with Trimet Concerning Transit Oriented Development and Increasing the Level of Transit Service. This IGA was extended by amendment four times, providing new sources and funding amounts: 1) on November 8, 2001 by Resolution No. 01-3114A; 2) on May 15, 2003 by Resolution No. 03-3314; 3) by Resolution 04-3478 on July 15, 2004; and 4) by Resolution No. 05-3627 on October 27, 2005. The fourth amendment is soon to expire.

3. **Anticipated Effects:** This proposed resolution and IGA follows the companion Ordinance No. 08-1204A, which establishes TOD Implementation as a matter of metropolitan concern and assumes TOD Implementation as a Metro function. This new IGA will alter the pre-existing relationship established in the current IGA and amendments set forth above, by removing the now unnecessary TriMet delegation of TOD Implementation authority, and clarifying that Metro Council, and not TriMet, provides oversight for the TOD and Urban Centers Program. The IGA will resolve the need for recurring IGA amendments, by providing for an annual automatic renewal of its one-year term, unless earlier terminated by either party. As in the past, the new IGA provides that if STP funds are allocated to Metro for the TOD Urban Centers Program through the MTIP process, Metro and TriMet may, if they so choose, obligate those funds to TriMet for transit capital and operating needs, in exchange for a like amount of TriMet General Funds transferred to Metro for TOD Implementation. Following the conclusion of each biennial MTIP allocation process, the parties may elect to discuss and settle upon a mutually satisfactory exchange. The proposed IGA then calls for the funding arrangement to be documented by joint letter or memorandum establishing the appropriate amounts and timing of the exchange.
  
4. **Budget Impacts:** Since the IGA amendment is revenue neutral, there is no budget impact from this IGA.

## **RECOMMENDED ACTION**

Concurrent with Metro Council's approval of Ordinance No. 08-1204A, Metro staff recommends the adoption of the Resolution No. 09-4014.