

# Metro | Agenda

Meeting: Metro Council  
Date: Thursday, Sept. 15, 2011  
Time: 2 p.m.  
Place: Metro Council Chambers

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## CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS
2. CITIZEN COMMUNICATIONS
3. PACIFIC NORTHWEST ART PROGRAM AND EXHIBITION **Slyman**  
**Michael J. Sangiacomo, Recology**  
**Amy Wilson, Cracked Pots**
4. CONSIDERATION OF THE MINUTES FOR SEPT. 8, 2011
5. RESOLUTIONS
- 5.1 **Resolution No. 11-4276**, For the Purpose of Adopting an Order on a Request For an Extension of Time For Completion of Title 13 Requirements For the City of Troutdale on Appeal From an Order of the Chief Operating Officer. **Craddick**
- Public Hearing*
- 5.2 **Resolution No. 11-4285**, For the Purpose of Proclaiming September 24, 2011 as a Global Day of Climate Action and Recognizing the Number 350 as a Message to Support Efforts to Reduce Climate Change. **Burkholder**
- 5.3 **Resolution No. 11-4286**, For the Purpose of Amending the 2010-13 Metropolitan Transportation Improvement Program (MTIP) to Add Three Sidewalk Projects Awarded Transportation Enhancement Funds. **Collette**
- 5.4 **Resolution No. 11-4287**, For the Purpose of Amending the 2010-13 Metropolitan Transportation Improvement Program (MTIP) to Add the I-5 Carmen Drive Ramp Operations Project. **Collette**
- 5.5 **Resolution No. 11-4291**, For the Purpose of Ratifying the 2011-14 Collective Bargaining Agreement Between AFSCME 3580 and Metro. **Collette**
6. CHIEF OPERATING OFFICER COMMUNICATION
7. COUNCILOR COMMUNICATION

## ADJOURN

**Television schedule for Sept. 15, 2011 Metro Council meeting**

<p><b>Clackamas, Multnomah and Washington counties, and Vancouver, WA</b>  Channel 11 – Community Access Network  <i>Web site:</i> <a href="http://www.tvctv.org">www.tvctv.org</a>  <i>Ph:</i> 503-629-8534  <i>Date:</i> 2 p.m. Thursday, Sept. 15 (Live)</p>	<p><b>Portland</b>  Channel 11 – Portland Community Media  <i>Web site:</i> <a href="http://www.pcmtv.org">www.pcmtv.org</a>  <i>Ph:</i> 503-288-1515  <i>Date:</i> 8:30 p.m. Sunday, Sept. 18  <i>Date:</i> 2 p.m. Monday, Sept. 19</p>
<p><b>Gresham</b>  Channel 30 - MCTV  <i>Web site:</i> <a href="http://www.metroeast.org">www.metroeast.org</a>  <i>Ph:</i> 503-491-7636  <i>Date:</i> 2 p.m. Monday, Sept. 19</p>	<p><b>Washington County</b>  Channel 30– TVC TV  <i>Web site:</i> <a href="http://www.tvctv.org">www.tvctv.org</a>  <i>Ph:</i> 503-629-8534  <i>Date:</i> 11 p.m. Saturday, Sept. 17  <i>Date:</i> 11 p.m. Sunday, Sept. 18  <i>Date:</i> 6 a.m. Tuesday, Sept. 20  <i>Date:</i> 4 p.m. Wednesday, Sept. 21</p>
<p><b>Oregon City, Gladstone</b>  Channel 28 – Willamette Falls Television  <i>Web site:</i> <a href="http://www.wftvmedia.org/">http://www.wftvmedia.org/</a>  <i>Ph:</i> 503-650-0275  Call or visit web site for program times.</p>	<p><b>West Linn</b>  Channel 30 – Willamette Falls Television  <i>Web site:</i> <a href="http://www.wftvmedia.org/">http://www.wftvmedia.org/</a>  <i>Ph:</i> 503-650-0275  Call or visit web site 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 the Metro Council Office at 503-797-1540. 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 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 web site [www.oregonmetro.gov](http://www.oregonmetro.gov) and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 503-797-1804 or 503-797-1540 (Council Office).

Agenda Item Number 3.0

**Pacific Northwest Art Program and Exhibition**

Metro Council Meeting  
Thursday, Sept. 15, 2011  
Metro Council Chamber

Agenda Item Number 4.0

**Consideration of the Minutes for Sept. 8, 2011**

Metro Council Meeting  
Thursday, Sept. 15, 2011  
Metro Council Chamber

Agenda Item Number 5.1

**Resolution No. 11-4276**, For the Purpose of Adopting an Order on a Request For an Extension of Time For Completion of Title 13 Requirements For the City of Troutdale on Appeal From an Order of the Chief Operating Officer.

Metro Council Meeting  
Thursday, Sept. 15, 2011  
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING AN ORDER	)	RESOLUTION NO. 11-4276
ON A REQUEST FOR AN EXTENSION OF	)	
TIME FOR COMPLETION OF TITLE 13	)	Introduced by Acting Chief Operating Officer
REQUIREMENTS FOR THE CITY OF	)	Dan Cooper with the concurrence of Council
TROUTDALE ON APPEAL FROM AN ORDER	)	President Tom Hughes
OF THE CHIEF OPERATING OFFICER	)	

WHEREAS, on April 22, 2011, the City of Troutdale requested an extension of time to complete Title 13 Nature in Neighborhoods requirements of the Urban Growth Management Functional Plan (UGMFP); and

WHEREAS, Metro Code section 3.07.830 establishes a process and criteria for extension of time for compliance with a requirement of the UGMFP; and

WHEREAS, section 3.07.830 authorizes the Chief Operating Officer (COO) to grant an extension if the COO finds that the City of Troutdale is making progress toward completion of Title 13 planning or that there is good cause for the city’s inability to meet the deadline for completion of the planning; and

WHEREAS, the COO provided notice of the proposed extension pursuant to Metro Code 3.07.830A; and

WHEREAS, Metro has not granted a previous extension of time for completion of Title 13 requirements for the City of Troutdale; and

WHEREAS, the Metro Planning Department reviewed the application and recommended approval; and

WHEREAS, the COO issued Order No. 11-057 (Relating to the Request by the City of Troutdale to Extend the Time for Title 13 Nature in Neighborhoods Planning) granting an extension of time on May 23, 2011; and

WHEREAS, Jim Labbe and June Mohler filed an appeal of Order No. 11-057 on June 2, 2011, pursuant to section 3.07.830D of the Metro Code; and

WHEREAS, the Metro Council held a public hearing on the appeal on September 15, 2011, and considered the testimony and materials presented at the hearing; now, therefore,

BE IT RESOLVED THAT the Metro Council:

1. Enters Order No. 11-069, attached to this resolution, ruling on the appeal of Chief Operating Officer’s Order No. 11-057 and on the extension of time requested by the City of Troutdale for completing the Title 13 requirements of the Urban Growth Management Functional Plan.

2. Directs the Chief Operating Officer to send a copy of Order No. 11-069 to the City of Troutdale, the appellant and all persons who participated at the public hearing on the extension request.

ADOPTED by the Metro Council this 15th day of September, 2011

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Tom Hughes, Council President

Approved as to form:

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Alison Kean Campbell, Acting Metro Attorney

## **STAFF REPORT**

IN CONSIDERATION OF RESOLUTION 11-4276, FOR THE PURPOSE OF ADOPTING AN ORDER ON A REQUEST FOR AN EXTENSION OF TIME FOR COMPLETION OF TITLE 13 REQUIREMENTS FOR THE CITY OF TROUTDALE ON APPEAL FROM AN ORDER OF THE CHIEF OPERATING OFFICER

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Date: September 7, 2011

Prepared by: Tim O'Brien, x1840

## **BACKGROUND**

Metro Code Section 3.07.830(A) allows for cities and counties to request an extension of time for compliance with an Urban Growth Management Functional Plan (Functional Plan) requirement. On April 22, 2011, the City of Troutdale applied for such an extension of time to the Chief Operating Officer for fulfilling the requirements of Functional Plan Title 13: Nature in Neighborhoods (Attachment 1).

On September 29, 2005 the Metro Council adopted Ordinance No. 05-1077C incorporating Title 13: Nature in Neighborhoods into the Functional Plan and establishing a riparian and upland fish and wildlife habitat protection program. On January 5, 2007 the Department of Land Conservation and Development (DLCD) acknowledged Metro's Nature in Neighborhood program for protecting riparian corridors and wildlife habitat under Statewide Planning Goals 5 & 6. Pursuant to DLCD acknowledgement cities and counties had until January 5, 2009 to amend their comprehensive plans and implementing ordinances to comply with Title 13.

Throughout 2008 City of Troutdale staff worked with their citizen advisory group to develop a natural resource protection program that would comply with Title 13. From May to September 2009, staff held work sessions with the planning commission and city council as well as public hearings, with final adoption of the program expected on October 13, 2009. However, at the October 13 meeting the city council approved a motion 4-2 to postpone action indefinitely. Since that time the makeup of the city council has changed. On March 15, 2011 staff held a work session to reintroduce Metro's Title 13 program and the proposed code amendments with the current city council to bring the new members up to speed. Staff also outlined a timeline for adopting the proposed code changes that resulted in a second work session with the city council being held on August 16, 2011, with final adoption scheduled for consideration on October 11, 2011.

Section 3.07.830(B) of the Metro Code states that the Metro Chief Operating Officer (COO) may grant an extension if the city or county is making progress toward compliance or there is good cause for failure to meet the deadline for compliance. The COO may also "establish terms and conditions for the extension in order to ensure that compliance is achieved in a timely and orderly fashion and that land use decisions made by the city or county during the extension do not undermine the ability of the city or county to achieve the purposes of the functional plan."

Metro staff concluded that the city is making progress toward completion of Title 13 requirements by holding a city council work session to reintroduce Title 13 and proposed code amendments and outlining a timeline for action on the amendments and recommended that the COO approve the extension request.

On May 23, 2011, the COO issued Order No. 11-057 to approve the City of Troutdale's request for an extension to comply with Title 13 to December 31, 2011. On June 2, 2011 the Audubon society of Portland appealed the COO's decision to grant an extension to the Metro Council.

## **ANALYSIS/INFORMATION**

1. **Known Opposition:** The Audubon Society of Portland appealed the COO order to the Metro Council.
2. **Legal Antecedents:** Title 8 (Compliance Procedures) of the Urban Growth Management Functional Plan provides for extensions of time for compliance with requirements of the Functional Plan, including process and criteria for extensions (3.01.830).
3. **Anticipated Effects:** If Resolution No. 11-4276 is adopted and enters Order No. 11-069 then the appeal from the Audubon Society of Portland is denied. The City will be granted an extension of time to complete the necessary work to comply with Title 13 under the same terms as COO Order No. 11-057 or December 31, 2011.
4. **Budget Impacts:** None.

## **RECOMMENDED ACTION**

Staff recommends adoption of Resolution No. 11-4276.



### Extension of Compliance Deadlines

Jurisdiction: City of Troutdale

Date: April 21, 2011

Contact: Craig Ward, City Manager

Telephone: 503-674-7233

Fax: 503-667-0524

Email: cward@ci.troutdale.or.us

Requests for extensions of compliance deadlines set in the Urban Growth Management Functional Plan (Metro Code), as authorized in Title 8 of the plan, must be filed with Metro's Chief Operating Officer (COO) on this application form.

Metro Code 3.07.830 sets forth the criteria and procedure for Metro consideration of extensions of compliance deadlines. The criteria, from Metro Code 3.07.830(B), are as follows:

*The Chief Operating Officer may grant an extension if: (1) the city or county is making progress toward compliance or (2) there is good cause for failure to meet the deadline for compliance.*

Please complete this application form and submit it to the Chief Operating Officer with a copy to Sherry Oeser, Planning and Development Department:

Chief Operating Officer  
Metro  
600 NE Grand Avenue  
Portland, OR 97232

[Type text]

**Part I (to be completed by the local government)**

- a. Describe progress made toward compliance with the Functional Plan requirement(s) for which the local government needs more time.
- March 2008 – April 2009 – Citizen involvement process to guide staff in preparing Troutdale Development Code amendments.
  - May-July 2009 – Planning Commission work sessions and public hearings on proposed code amendments.
  - September 2009 – Two City Council work sessions on proposed amendments.
  - October 13, 2009 – City Council public hearing on proposed amendments; Council voted 4-2 to postpone action indefinitely.
  - March 15, 2011 – City Council work session to reintroduce Title 13 and proposed code amendments.
  - July or August 2011 – Second City Council work session planned.
  - Fall 2011 – Adoption hearings on proposed amendments.
- b. Or, explain why the local government has not been able to meet the deadline set for compliance with the Functional Plan requirement(s).

The majority of the City Council seated in 2009 and 2010 believed that existing Troutdale Development Code provisions substantially complied with Title 13, and thus postponed action on additional amendments. With a different slate now serving on the Council, there is an expressed interest in reconsidering these amendments previously proposed.

**Part II (to be completed by Metro)**

- a. Metro staff recommendation

BEFORE THE METRO COUNCIL

RELATING TO THE REQUEST BY THE CITY ) ORDER NO. 11-069  
OF TROUTDALE TO EXTEND THE TIME FOR )  
TITLE 13 NATURE IN NEIGHBORHOOD )  
PLANNING )

WHEREAS, on April 22, 2011, the City of Troutdale requested an extension of time to complete Title 13 Nature in Neighborhood requirements of the Urban Growth Management Functional Plan (UGMFP); and

WHEREAS, Metro Code section 3.07.830 establishes a process and criteria for extension of time for compliance with a requirement of the UGMFP; and

WHEREAS, section 3.07.830 authorizes the Chief Operating Officer (COO) to grant an extension if the COO finds that the City of Troutdale is making progress toward completion of Title 13 planning or that there is good cause for the city’s inability to meet the deadline for completion of the planning; and

WHEREAS, the COO issued Order No. 11-057 (Relating to the Request by the City of Troutdale to Extend the Time for Title 13 Nature in Neighborhoods Planning) granting an extension of time on May 23, 2011; and

WHEREAS, Jim Labbe and June Mohler filed an appeal of Order No. 11-057 on June 2, 2011, pursuant to section 3.07.830D of the Metro Code; and

WHEREAS, the Metro Council held a public hearing on the appeal on September 15, 2011 and considered the testimony and materials presented at the hearing; now, therefore,

IT IS HEREBY ORDERED THAT:

1. The appeal of Chief Operating Officer Order No. 11-057 is denied for the reasons set forth in the Staff Report dated September 8, 2011, attached to this order.
2. The request of the City of Troutdale for an extension of time under Metro Code 3.07.830 to complete planning requirements under Title 13 of the UGMFP pursuant to Metro Code section 3.07.830 is approved under the terms and conditions set forth in section 3 of this order.
3. The City of Troutdale shall adopt provisions that comply with Title 13 of Metro Code Chapter 3.07 by December 31, 2011.

ENTERED this 15th day of September, 2011

\_\_\_\_\_  
Tom Hughes, Council President

Approved as to form:

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Alison Kean Campbell, Acting Metro Attorney

Agenda Item Number 5.2

**Resolution No. 11-4285**, For the Purpose of Proclaiming  
September 24, 2011 as a Global Day of Climate Action and  
Recognizing the Number 350 as a Message to Support  
Efforts to Reduce Climate Change.

Metro Council Meeting  
Thursday, Sept. 15, 2011  
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF PROCLAIMING ) RESOLUTION NO. 11-[4285]  
SEPTEMBER 24, 2011 AS A GLOBAL DAY OF )  
CLIMATE ACTION AND RECOGNIZING THE ) Introduced by Councilor Rex Burkholder  
NUMBER 350 AS A MESSAGE TO SUPPORT  
EFFORTS TO REDUCE CLIMATE CHANGE

WHEREAS, the Metro Council is working to address the threat of global climate change by reducing carbon emissions from transportation, land use, solid waste and other factors; and

WHEREAS, despite significant effort on the part of Metro and its regional partners, efforts to date have at best only stabilized emissions; and

WHEREAS, the State of Oregon has established preliminary goals that call for reducing emissions by 75 percent from 1990 levels; and

WHEREAS, achieving those goals will require significantly greater public awareness, education, involvement and action; and

WHEREAS, September 24<sup>th</sup> has been declared a Global Day of Climate Action, to bring attention to the number 350 because many scientists suggest that 350 parts per million of carbon in the atmosphere should be an international goal; and

WHEREAS, public education and action events, known as Moving Planet Day, are planned by groups of people in nations all over the world, in the United States, and throughout the state of Oregon; and

WHEREAS, in the Portland region, the list of events scheduled for the Global Day of Climate Action, known as 'Moving Planet Portland: A Climate Action Fest,' include: public speakers, keynote speaker Senator Jeff Merkley, interactive, educational booths, information on how to take action to reduce reliance on fossil fuels, activities to encourage an environmentally sustainable lifestyle, a parade, flash mobs, visual representation of transportation used to arrive at the event; and

WHEREAS, Metro's efforts to plan for a region that supports appropriate land use, waste reduction, walking, biking, and public transport are in accordance with 350.org's mission of prompting public education and awareness and of reducing global carbon emissions; and

WHEREAS, A Global Day of Climate Action will help raise awareness of the significance of global climate change and encourage residents to take action.

BE IT RESOLVED, that in recognition of the need for action on climate change, the Metro Council proclaims the day of September 24, 2011 as a Global Day of Climate Action and encourages citizens to send a message to their fellow Portland-metro residents of THE NEED TO REDUCE carbon in the Earth's atmosphere.

ADOPTED by the Metro Council this [fifteenth] day of [September] 2011.

\_\_\_\_\_  
Tom Hughes, Council President

Approved as to Form:

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Alison Kean Campbell, Acting Metro Attorney

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 11-4285, FOR THE PURPOSE OF PROCLAIMING SEPTEMBER 24, 2011 AS A GLOBAL DAY OF CLIMATE ACTION AND RECOGNIZING THE NUMBER 350 AS A MESSAGE TO SUPPORT EFFORTS TO REDUCE CLIMATE CHANGE.

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Date: 9/6/11

Prepared by: [Jessica Atwater, x1853,  
jessica.atwater@oregonmetro.gov]

### BACKGROUND

The organization 350.org works to raise public awareness on the issue of high levels of carbon in the Earth's atmosphere. 350.org annually orchestrates an international Climate Action Day. Volunteer-coordinated events will take place all over the world on September 24, 2011. This year, the Portland event, 'Moving Planet Portland: A Climate Action Fest', will take place at the Memorial Coliseum, from noon to 3pm. The event will focus on encouraging freedom from fossil fuels as a main method of atmospheric carbon reduction. Event participants are encouraged to arrive on foot, by bicycle, public transit, or any other form of transit that is not a car. The day's events include public speakers, keynote speaker Senator Jeff Merkley, interactive, educational booths, information on how to take action to reduce reliance on fossil fuels, activities to encourage an environmentally sustainable lifestyle, visual representation of transportation used to arrive at the event, and a parade. In addition to creating awareness about climate change and the need to reduce reliance on fossil fuels, event organizers will encourage participants will make pledges to take various actions to reduce their carbon footprint.

### ANALYSIS/INFORMATION

1. **Known Opposition:** unknown
2. **Legal Antecedents:** Resolution No. 09-4080A 'For the purpose of proclaiming October 24, 2009 as a global day of climate action and recognizing the number 350 as a message to the Copenhagen Conference on Climate Change.'
3. **Anticipated Effects:** citizens will be made aware of the opportunity to participate in 'Moving Planet Portland: A Climate Action Fest,' and subsequently made aware of how to reduce their personal use of fossil fuels and carbon footprint. This supports Metro's efforts plan for a region that supports appropriate land use, waste reduction, walking, biking, and public transport.
4. **Budget Impacts:** none

### RECOMMENDED ACTION

I recommend that the Council pass this resolution for the purpose of recognizing and endorsing the local 350.org Moving Planet Day event, 'Moving Planet Portland: A Climate Action Fest.'

Agenda Item Number 5.3

**Resolution No. 11-4286**, For the Purpose of Amending the  
2010-13 Metropolitan Transportation Improvement Program  
(MTIP) to Add Three Sidewalk Projects Awarded  
Transportation Enhancement Funds.

Metro Council Meeting  
Thursday, Sept. 15, 2011  
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE 2010-	)	RESOLUTION NO. 11-4286
13 METROPOLITAN TRANSPORTATION	)	
IMPROVEMENT PROGRAM (MTIP) TO ADD	)	Introduced by Councilor Collette
THREE SIDEWALK PROJECTS AWARDED	)	
TRANSPORTATION ENHANCEMENT FUNDS	)	

WHEREAS, the Metropolitan Transportation Improvement Program (MTIP) prioritizes projects from the Regional Transportation Plan to receive transportation related funding; and

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council approved the 2010-13 MTIP on September 16, 2010; and

WHEREAS, JPACT and the Metro Council must approve any subsequent amendments to add new projects to the 2010-13 MTIP; and

WHEREAS, the Oregon Transportation Commission through a competitive grant process has awarded federal Transportation Enhancement funding from the Federal Highway Administration to three pedestrian improvement projects within the metropolitan area, whose lead agencies now desire to add the projects to the 2010-13 MTIP; and

WHEREAS, the Clean Air Act requires that federally funded transit and highway projects demonstrate conformity with the state’s air quality goals; and

WHEREAS, these three projects, as described in Exhibit A to this resolution, are contained within the Regional Transportation Plan financially constrained system, which plan has demonstrated conformity;

WHEREAS, the code of federal regulations 40 CFR 93.126 further exempts pedestrian projects from the Clean Air Act’s requirements that federally funded transportation projects demonstrate conformity with the state’s air quality goals; and

WHEREAS, funding is available for these projects within existing revenues, consistent with the MTIP financial plan; and

WHEREAS, JPACT approved this resolution September 8, 2011; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT to add the three pedestrian projects awarded Transportation Enhancement funds to the 2010-13 MTIP.

ADOPTED by the Metro Council this \_\_\_\_ day of September 2011.

\_\_\_\_\_  
Tom Hughes, Council President

Approved as to Form:

\_\_\_\_\_  
Alison Kean Campbell, Acting Metro Attorney

**Exhibit A to Resolution No. 11-4286**

**2010-13 Metropolitan Transportation Improvement Plan Table 3.1.1 amendment**

**Action:** Amend MTIP to add three projects.

Existing programming: None

Amended programming:

Project Name	Project Description	ODOT Key #	Lead Agency	Estimated Total Project Cost (all phases, all years)	Project Phase	Fund Type	Program Year	Federal Funding	Minimum Local Match	Other Funds	Total Funding
Birchwood Road: SW 87th to SW Laurelwood	Add sidewalks to Birchwood Road between SW 87th Avenue and SW Laurelwood Road	TBD	City of Beaverton	\$528,000	PE	TE	2011	\$128,763	\$14,737	\$0	\$143,500
					ROW	TE	2012	\$1,346	\$154	\$0	\$1,500
					Cons	TE	2013	\$267,892	\$30,661	\$84,447	\$383,000

**Exhibit A to Resolution No. 11-4286**

Project Name	Project Description	ODOT Key #	Lead Agency	Estimated Total Project Cost (all phases, all years)	Project Phase	Fund Type	Program Year	Federal Funding	Minimum Local Match	Other Funds	Total Funding
SE Holgate & Ramona: 122nd-136th Ave Sdwk (Portland)	Add sidewalks, crossings and stripe bike lanes on SE Ramona Street between 122nd and 132nd and on SE Harold Street between 122nd and 136th.	TBD	City of Portland	\$1,662,000	PE	TE	2011	\$323,925	\$37,074		\$361,000
							2013	\$1,795	\$205		\$2,000
					Cons	TE	2013	\$1,161,280	\$132,914	\$4,806	\$1,299,000

Project Name	Project Description	ODOT Key #	Lead Agency	Estimated Total Project Cost (all phases, all years)	Project Phase	Fund Type	Program Year	Federal Funding	Minimum Local Match	Other Funds	Total Funding
122nd and 132nd Avenue sidewalks: SE Sunnyside to SE Hubbard	Add sidewalks to 122nd and 132nd Avenues between Sunnyside and Hubbard Roads.	TBD	Clackamas County	\$595,000	PE	TE	2011	\$70,994	\$8,125		\$79,119
					ROW	TE	2013	\$153,438	\$17,562		\$171,000
					Cons	TE	2013	\$309,569	\$35,431		\$345,000

## STAFF REPORT

### FOR THE PURPOSE OF AMENDING THE 2011-13 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO ADD THREE PROJECTS AWARDED TRANSPORTATION ENHANCEMENT FUNDS

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Date: September 8, 2011

Prepared by: Ted Leybold, 503-797-1759

## BACKGROUND

The Oregon Transportation Commission (OTC) awarded Transportation Enhancement funds to three projects within the metropolitan area. The projects are Birchwood Road: SW 87th to SW Laurelwood in Beaverton, Safe Routes to Powellhurst-Gilbert Schools in SE Portland, and 122nd and 132nd Avenue Sidewalks: Sunnyside to Hubbard in Clackamas County. Maps of these projects are shown in Attachment 1.

Transportation Enhancement funding is awarded by the Oregon Transportation Commission through a competitive application process. Criteria for which projects are eligible and prioritized for funding is adopted by the OTC and administered by the Oregon Department of Transportation.

Air quality conformity was completed on the 2035 Regional Transportation Plan financially constrained system that included these projects. Additionally, pedestrian and bicycle projects are exempt from the requirement that a regional air quality conformity determination be made by the code of federal regulations 40 CFR 93.126.

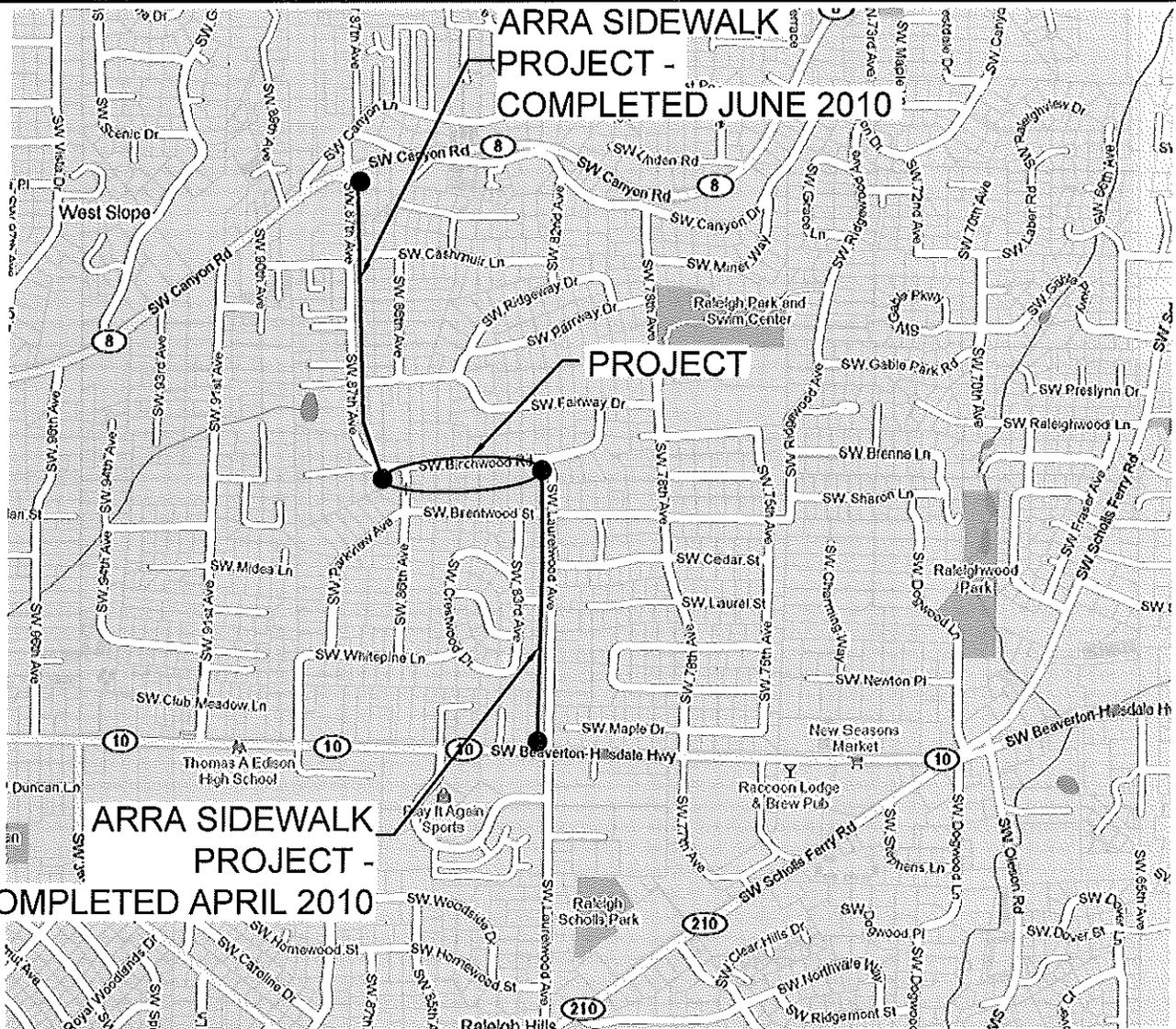
The Joint Policy Advisory Committee on Transportation and the Metro Council must approve amendments to the MTIP. This amendment will add these three projects to the 2010-13 MTIP with programming as shown in Exhibit A to Resolution No.11-4286.

## ANALYSIS/INFORMATION

- 1. Known Opposition** None known at this time.
- 2. Legal Antecedents** Amends the 2010-13 Metropolitan Transportation Improvement Program adopted by Metro Council Resolution 10-4186 on September 16, 2010 (For the Purpose of Approving the 2010-13 Metropolitan Transportation Improvement Program for the Portland Metropolitan Area).
- 3. Anticipated Effects** Allows funding to become available to three pedestrian projects in the metropolitan region.
- 4. Budget Impacts** None.

## RECOMMENDED ACTION

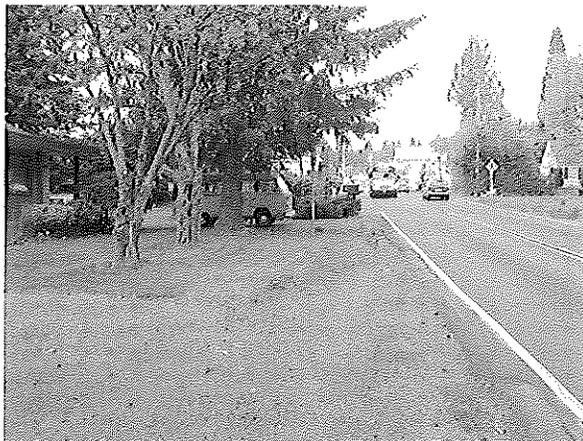
Metro staff recommends the approval of Resolution No. 11-4286.



VICINITY MAP  
NOT TO SCALE



BEFORE (87TH AVE)



AFTER (87TH AVE)



Y:\TRANSPORTATION\Drawings\2009\2009 FED Stimulus Maps\SW BIRCHWOOD SIDEWALK (Laurelwood-87th)\VICINITY MAP\_11.dwg



City Of Beaverton

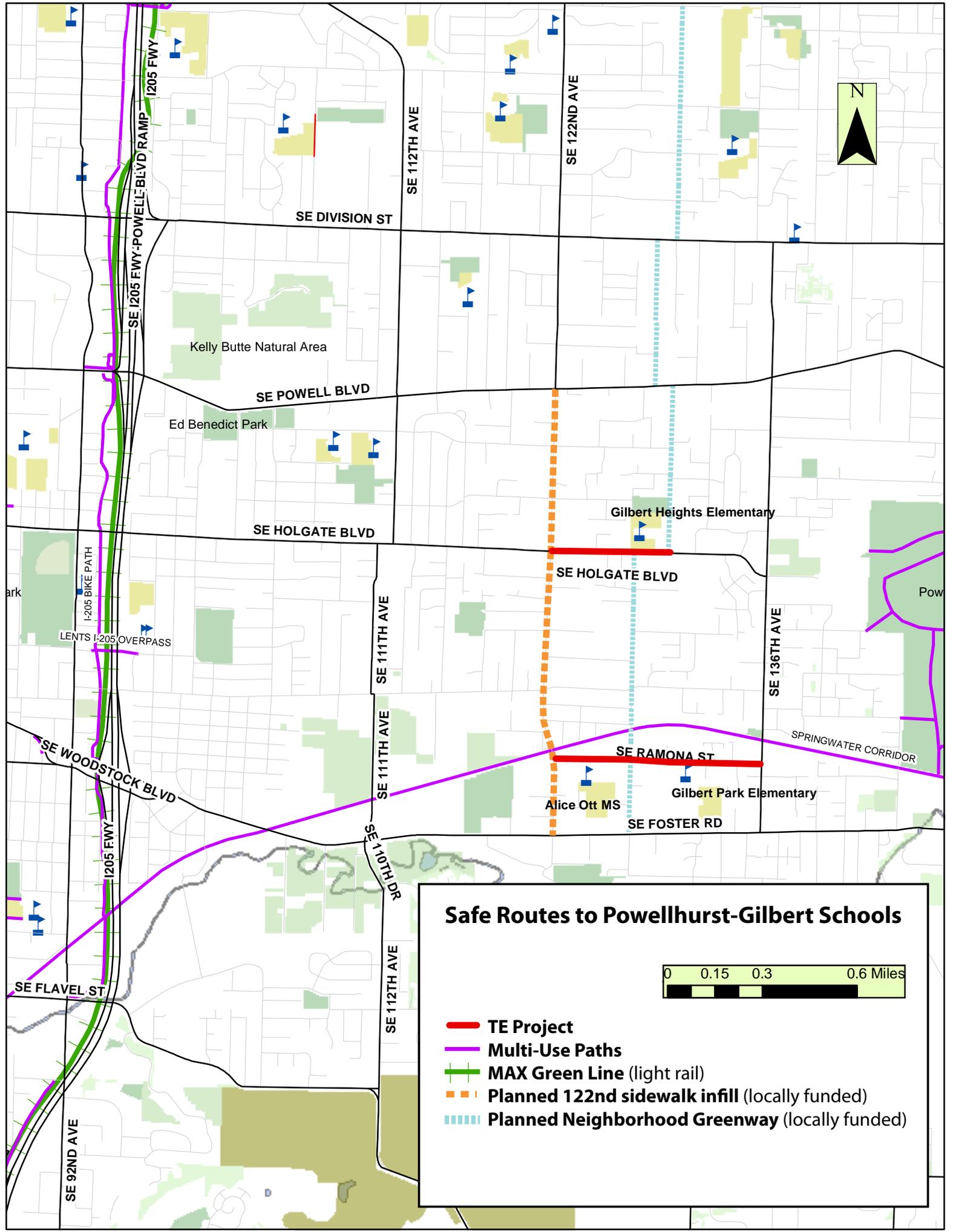
VICINITY MAP  
SW BIRCHWOOD SIDEWALK  
(SW LAURELWOOD - SW 87TH)

PUBLIC WORKS DEPARTMENT  
ENGINEERING SECTION

Drawn By: AL Date: 6-29-10

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_



### Safe Routes to Powellhurst-Gilbert Schools



- TE Project
- Multi-Use Paths
- MAX Green Line (light rail)
- Planned 122nd sidewalk infill (locally funded)
- Planned Neighborhood Greenway (locally funded)

# Site Plan

## Clackamas County Community and Schools Sidewalk Connection Project.

Project includes 2287' of sidewalk to complete  
3.0 mile route. All sidewalks to be 6' wide.

 Existing Sidewalk       Proposed Sidewalk



Agenda Item Number 5.4

**Resolution No. 11-4287**, For the Purpose of Amending the 2010-13 Metropolitan Transportation Improvement Program (MTIP) to Add the I-5 Carmen Drive Ramp Operations Project.

Metro Council Meeting  
Thursday, Sept. 15, 2011  
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE 2010- ) RESOLUTION NO. 11-4287  
13 METROPOLITAN TRANSPORTATION )  
IMPROVEMENT PROGRAM (MTIP) TO ADD ) Introduced by Councilor Collette  
THE I-5 CARMEN DRIVE RAMP OPERATIONS )  
PROJECT )

WHEREAS, the Metropolitan Transportation Improvement Program (MTIP) prioritizes projects from the Regional Transportation Plan to receive transportation related funding; and

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) the Metro Council approved the 2010-13 MTIP on September 16, 2010; and

WHEREAS, JPACT and the Metro Council must approve any subsequent amendments to add new projects or substantially modify existing projects in the MTIP; and

WHEREAS, the Oregon Department of Transportation (ODOT) has conducted a corridor operations analysis for the south Interstate 5 corridor as programmed in the 2009-10 Unified Planning Work Program; and

WHEREAS, as a result of this analysis, ODOT has proposed an operations project as a priority improvement that would modify the design of the southbound on-ramp to Interstate 5 from Highway 217 to connect to the existing auxiliary lane between the Carmen Drive and Lower Boones Ferry Road exit to reduce crash incidents and reduce vehicle delay (the "I-5 Carmen Drive Ramp Operations Project"); and

WHEREAS, ODOT wishes to add a construction phase to the I-5 Carmen Drive Ramp Operations Project, as described in Exhibit A to this resolution; and

WHEREAS, the Clean Air Act requires that federally funded transit and highway projects demonstrate conformity with the state's air quality goals; and

WHEREAS, the I-5 Carmen Drive Ramp Operations Project is considered a part of the development of a Regional Intelligent Transportation System / Transportation System Management & Operations program (Project #11104) included in the Regional Transportation Plan financially constrained system, which plan has demonstrated conformity; and

WHEREAS, the code of federal regulations 40 CFR 93.127 further exempts interchange reconfiguration projects from the Clean Air Act's requirements that a regional emissions analysis be performed to demonstrate the project's conformity with the state's air quality goals; and

WHEREAS, funding for the I-5 Carmen Drive Ramp Operations Project is available within existing revenues, consistent with the MTIP financial plan; and

WHEREAS, JPACT approved this resolution September 8, 2011; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT to add the I-5 Carmen Drive Ramp Operations Project to the 2010-13 MTIP.

ADOPTED by the Metro Council this \_\_\_\_ day of September 2011.

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Tom Hughes, Council President

Approved as to Form:

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Alison Kean Campbell, Acting Metro Attorney

**Exhibit A to Resolution No. 11-4287**

**2010-13 Metropolitan Transportation Improvement Plan Table 3.1.1 amendment**

**Action:** Amend MTIP to add construction phase to ODOT project.

Existing programming:

Project Name	Project Description	ODOT Key #	Lead Agency	Estimated Total Project Cost (all phases, all years)	Project Phase	Fund Type	Program Year	Federal Funding	Minimum Local Match	Other Funds	Total Funding
I-5 Carmen Drive Ramp Operations Project	Restripe the existing merge lane of the Highway 217 ramp to I-5 southbound to connect to the existing auxiliary lane of the Carmen Drive southbound access ramp to I-5.	17515	ODOT	\$1,950,823	PE	STP	2011	\$400,000	\$45,782	\$0	\$445,782

**Exhibit A to Resolution No. 11-4287**

Amended programming:

Project Name	Project Description	ODOT Key #	Lead Agency	Estimated Total Project Cost (all phases, all years)	Project Phase	Fund Type	Program Year	Federal Funding	Minimum Local Match	Other Funds	Total Funding
I-5 Carmen Drive Ramp Operations Project	Restripe the existing merge lane of the Highway 217 ramp to I-5 southbound to connect to the existing auxiliary lane of the Carmen Drive southbound access ramp to I-5.	17515	ODOT	\$1,950,823	PE	STP	2011	\$400,000	\$45,782	\$0	\$445,782
				\$1,950,823	Cons	STP	2011	\$1,550,823	\$177,499	\$0	\$1,728,322

## STAFF REPORT

### FOR THE PURPOSE OF AMENDING THE 2011-13 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO ADD THE I-5 CARMEN DRIVE RAMP OPERATIONS PROJECT

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Date: September 8, 2011

Prepared by: Ted Leybold, 503-797-1759

## BACKGROUND

The Oregon Department of Transportation (ODOT) is completing a corridor operations analysis of the southern portion of Interstate 5 and has identified potential operational projects to reduce vehicle crashes and increase vehicle flow to reduce congestion. A priority project emerging from this analysis is to realign the south bound Carmen Drive on-ramp to Interstate 5 (I-5) to allow a safer transition for vehicles merging onto I-5 with vehicles preparing to exit at Lower Boones Ferry Road to the south. The configuration of existing and proposed lanes is shown in Attachment 1.

The project would restripe the existing merge lane of the Highway 217 ramp to I-5 southbound to connect to the existing auxiliary lane of the Carmen Drive southbound access ramp to I-5. This will allow vehicles entering I-5 southbound from Highway 217 to not have to merge and change lanes in the short distance between Highway 217 and the Carmen Drive overpass where the existing merge lane ends. The benefits of the new configuration are summarized in Attachment 1.

ODOT has identified financial capacity to fund this project from savings to existing projects. Urban STP funds will be programmed on the project to ensure timely obligation of federal funds and avoid the potential for a rescission of federal funds allocated to the state. State administered funds will be programmed to replace the urban STP funds at a later date.

Air quality conformity was completed on the 2035 Regional Transportation Plan, which included a small program of regional system management and operations program projects, consistent with this project, as a part of the financially constrained system. Additionally, interchange reconfiguration projects are exempt from regional emissions analyses by the code of federal regulations 40 CFR 93.127.

The Joint Policy Advisory Committee on Transportation and the Metro Council must approve amendments to the MTIP. This amendment will add a construction phase the I-5 Carmen Drive Ramp Operations project to the 2010-13 MTIP with programming as shown in Exhibit A to Resolution No. 11-4287.

## ANALYSIS/INFORMATION

1. **Known Opposition** None known at this time.
2. **Legal Antecedents** Amends the 2010-13 Metropolitan Transportation Improvement Program adopted by Metro Council Resolution 10-4186 on September 16, 2010 (For the Purpose of Approving the 2010-13 Metropolitan Transportation Improvement Program for the Portland Metropolitan Area).
3. **Anticipated Effects** Allows
4. **Budget Impacts** None.

## RECOMMENDED ACTION

Metro staff recommends the approval of Resolution No. 11-4287.

## Attachment 1

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### INTEROFFICE MEMORANDUM

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**TO:** TED LEYBOLD, MTIP PROGRAM MANAGER  
**FROM:** RIAN WINDSHEIMER  
**SUBJECT:** I-5 @ CARMEN DR OPERATIONAL IMPROVEMENT  
**DATE:** 8/15/2011

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ODOT Region 1 started the I-5/I-205 Operations Study in 2009 to identify, rank and provide conceptual low cost, low impact operational solutions for the worst bottlenecks on I-5 south of the Marquam Bridge and I-205 in the Portland Metro Region. The study has identified several bottlenecks on I-5 and I-205 based on PORTAL data, ODOT traffic cameras, travel time runs, collision data and field observations. This study identified a solution at I-5@ Carmen Drive involving restriping at a low cost.

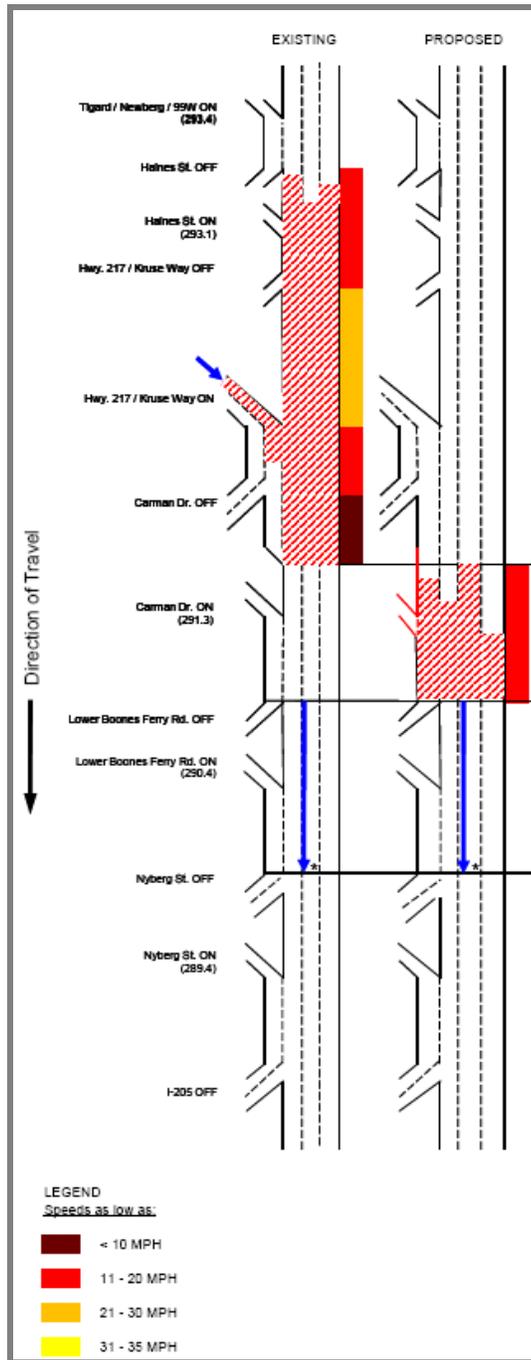
The primary bottleneck problem between OR 217 and Lower Boones Ferry Road is caused by a heavy entering volume from OR 217 that is weaving with traffic exiting at Carmen Drive. Traffic with destinations beyond Carmen Drive tend to get over to the left immediately upon entering I-5 rather than making use of the existing auxillary lane because the lane merges under the Carmen Drive overcrossing. The result has been 308 crashes over a 5 year period and speeds of 10 miles per hour when the bottleneck activates.

The proposed operational improvement will re-purpose the existing merge lane that under the Carmen Drive structure on southbound I-5 by restriping it to connect with the existing auxillary lane between Carmen Drive and Lower Boones Ferry Road. This project requires rebuilding the existing Carmen Drive on-ramp to create safe merging operations and improving acceleration distances for vehicles entering from Carmen Drive. VISSIM, a micro-simulation software package, predicts the following operational and safety improvements (see Figure 1):

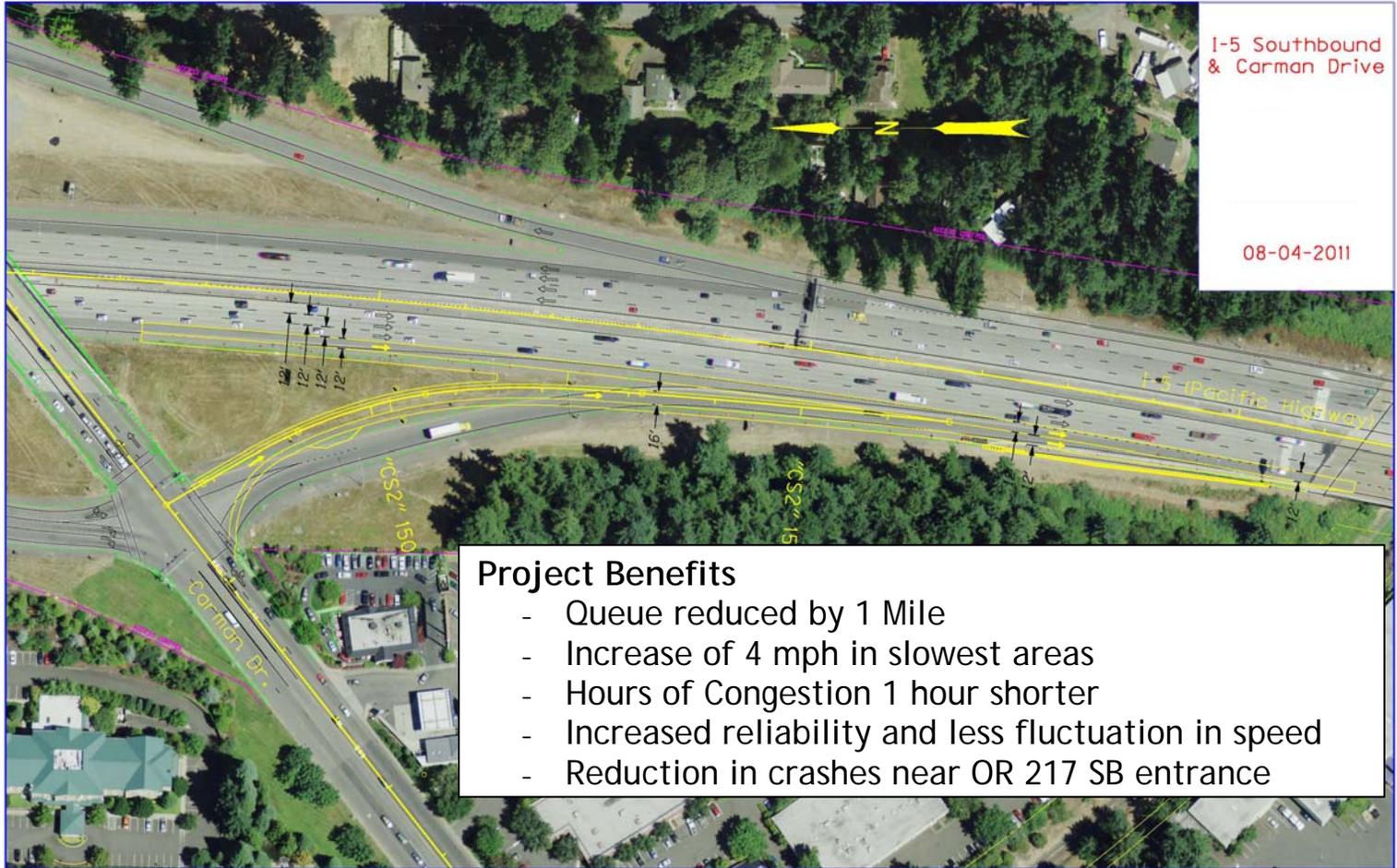
- shorten the peak hour back-ups on I-5 South by approximately 1 mile,
- increase peak operating speeds by approximately 4 mph (40% increase),
- shrink the peak duration by up to 60 minutes per day,
- reduce accidents related to merging and weaving and;
- increase reliability in the corridor.

The proposed improvement makes more efficient use of pavement that exists today. Transport, the TPAC subcommittee that coordinates operational improvements in the region, has indicated support for the project in an attached letter.

Figure 1: I-5 Southbound Carmen Drive Auxiliary Lane Extension



# Attachment 1



## Attachment 1

**DATE:**

**TO:** Oregon Transportation Commission

**FROM:** Matthew L. Garrett  
Director

**SUBJECT:** 2010-2013 Statewide Transportation Improvement Program (STIP)  
Amendment request to add a construction phase to an Interstate  
Operations Project

**Requested Action:**

Region 1 requests approval to amend the 2010-2013 STIP to add a construction phase to the following Operations D-STIP project:

Project Name	I-5 SB: Carmen Dr – Lower Boones Ferry KN 17515	
PHASE	YEAR	COST
PE	2011	\$400,000
RW		
UR		
CN	2011	\$1,550,823
<b>TOTAL</b>		<b>\$1,950,823</b>

**Background:**

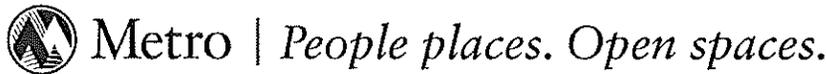
ODOT Region 1 conducted an I-5/I-205 Operations Study in 2009 to identify, rank and provide conceptual solutions for the worst bottlenecks in the Portland Metro Region on I-5 south of the Marquam Bridge and along I-205. The study identified several bottlenecks on these facilities based on PORTAL traffic data, ODOT traffic cameras, field observations and travel time and collision data.

The bottleneck on I-5 at Carmen Drive has been identified as one of the worst on I-5 south as well as one of the most affordable to address. The proposed solution will restripe an existing merge lane that currently drops under the Carmen Drive structure to extend the auxiliary lane from Hwy 217 to Lower Boones Ferry Road. As part of the project, the Carmen Drive on-ramp will be realigned and lengthened to improve the weave distance and improve safety. This improvement is expected to reduce the congestion in the area by an hour, reduce the Southbound backup in the PM peak by approximately 1 mile, and reduce accidents and increase reliability in the corridor.

Funding is coming from operations project savings within Region 1.

**Copies (w/enclosures) to:**

Jason Tell  
Rian Windsheimer  
Naveen Chandra  
Jeff Flowers  
Steve Leep



Oregon Department  
of Transportation

Clackamas County

Multnomah County

Washington County

City of Beaverton

City of Gresham

City of Hillsboro

City of Portland

TriMet

Port of Portland

Metro

Portland State  
University

Southwest  
Washington  
Regional  
Transportation  
Council

Washington State  
Department of  
Transportation

C-Tran

August 15, 2011

Rian Windsheimer, Policy and Development Manager  
ODOT Region 1  
123 NW Flanders Street  
Portland OR 97209

Subject: TransPort Endorsement of ODOT's I-5 at Carmen Drive  
Operational Improvement Project MTIP Amendment

Dear Mr. Windsheimer:

TransPort, the Transportation System Management & Operations (TSMO) Subcommittee for the Portland metropolitan region is pleased to submit this letter of support on behalf of ODOT's I-5 at Carmen Drive Operational Improvement project.

TransPort reviewed this project at its August 2011 meeting and concluded that ODOT's operational solution of connecting an existing merge lane to an existing auxiliary lane on southbound I-5 between Carmen Drive and Lower Boones Road is a cost-effective operations solution to a known bottleneck location. The VISSUM model findings of reduced duration and length of vehicle backups, increased travel speeds, and decreased merge/weave crashes are the compelling reasons for TransPort endorsement of the MTIP amendment necessary to advance this project.

We have high confidence that the completion of this project will result in safer and more efficient mobility for I-5 travelers.

Sincerely,

Dennis Mitchell, ODOT Region 1  
TransPort Chair

Agenda Item Number 5.5

**Resolution No. 11-4291**, For the Purpose of Ratifying the  
2011-14 Collective Bargaining Agreement Between  
AFSCME 3580 and Metro.

Metro Council Meeting  
Thursday, Sept. 15, 2011  
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF RATIFYING THE 2011-	)	RESOLUTION NO. 11-4291
2014 COLLECTIVE BARGAINING	)	
AGREEMENT BETWEEN AFSCME 3580 AND	)	Introduced by Dan Cooper, Acting Chief
METRO.	)	Operating Officer, in concurrence with
	)	Council President Hughes

WHEREAS, Metro’s designated representatives for labor relations have negotiated in good faith with AFSCME Local 3580 (“the Union”); and

WHEREAS, Metro’s designated representatives for labor relations and the Union’s designated bargaining representatives have reached a signed tentative agreement for a three year collective bargaining agreement; and

WHEREAS, the Union membership has duly ratified the tentative agreement; and

WHEREAS, Metro’s designated representatives recommend and support ratification by the Council;

Now Therefore

BE IT RESOLVED that the Metro Council hereby ratifies the tentative agreement attached to this resolution as Exhibit A.

ADOPTED by the Metro Council this 15 day of September, 2011.

\_\_\_\_\_  
Tom Hughes, Council President

Approved as to Form:

\_\_\_\_\_  
Alison Kean Campbell, Acting Metro Attorney

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 11-4291 FOR THE PURPOSE OF RATIFYING THE 2011 – 2014 COLLECTIVE BARGAINING AGREEMENT BETWEEN AFSCME 3580 AND METRO.

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Date: September 1, 2011

Prepared by: Mary Rowe  
(x 1572)

### BACKGROUND

This resolution is submitted to ratify the tentative agreement between AFSCME 3580 and Metro for the period July 1, 2011 through June 30, 2014. Total membership in AFSCME 3580 is 308 employees. The three-year agreement contains the following key economic work conditions:

#### **I. Wages - cost-of-living adjustments:**

- a. Upon ratification, a 1.0 percent lump sum payment not added to base wages or as an adjustment to the wage schedule.
- b. On July 1, 2012, 1.25 percent to 2.95 percent, based on the Consumer Price Index (CPI). Note that this lowers the CPI floor by .25 percent from the current contract.
- c. On July 1, 2013, 1.25 percent to 2.95 percent, based on the CPI. Note that this lowers the CPI floor by .25 percent from the current contract.

#### **II. Health insurance – premium sharing:**

- a. Metro will pay 94 percent of health insurance plan costs and the employee will pay 6 percent.
- b. Opt out funds over which AFSCME has retained discretion from the 2006-07 fiscal year will be spent down to offset employee-paid portion of health insurance plan costs.

#### **III. PERS:**

- a. Employees hired on July 1, 2012 and thereafter will pay six percent of their salary into their PERS account.

#### **IV. Additional time off provisions in exchange for above economic considerations:**

- a. Employees hired on July 1, 2012 and thereafter will have increased vacation accruals to match those of non represented employees.
- b. If business operations allow, employees will receive the day after Thanksgiving off as an additional mandatory personal holiday. If business operations preclude taking the day after Thanksgiving off, those employees will schedule an alternative day off with the approval of their supervisor.

#### **V. Seniority:**

- a. Any employee layoffs will affect those staff with lowest seniority, within classification, within departments rather than across the agency. This change better aligns with Metro's budgeting process.

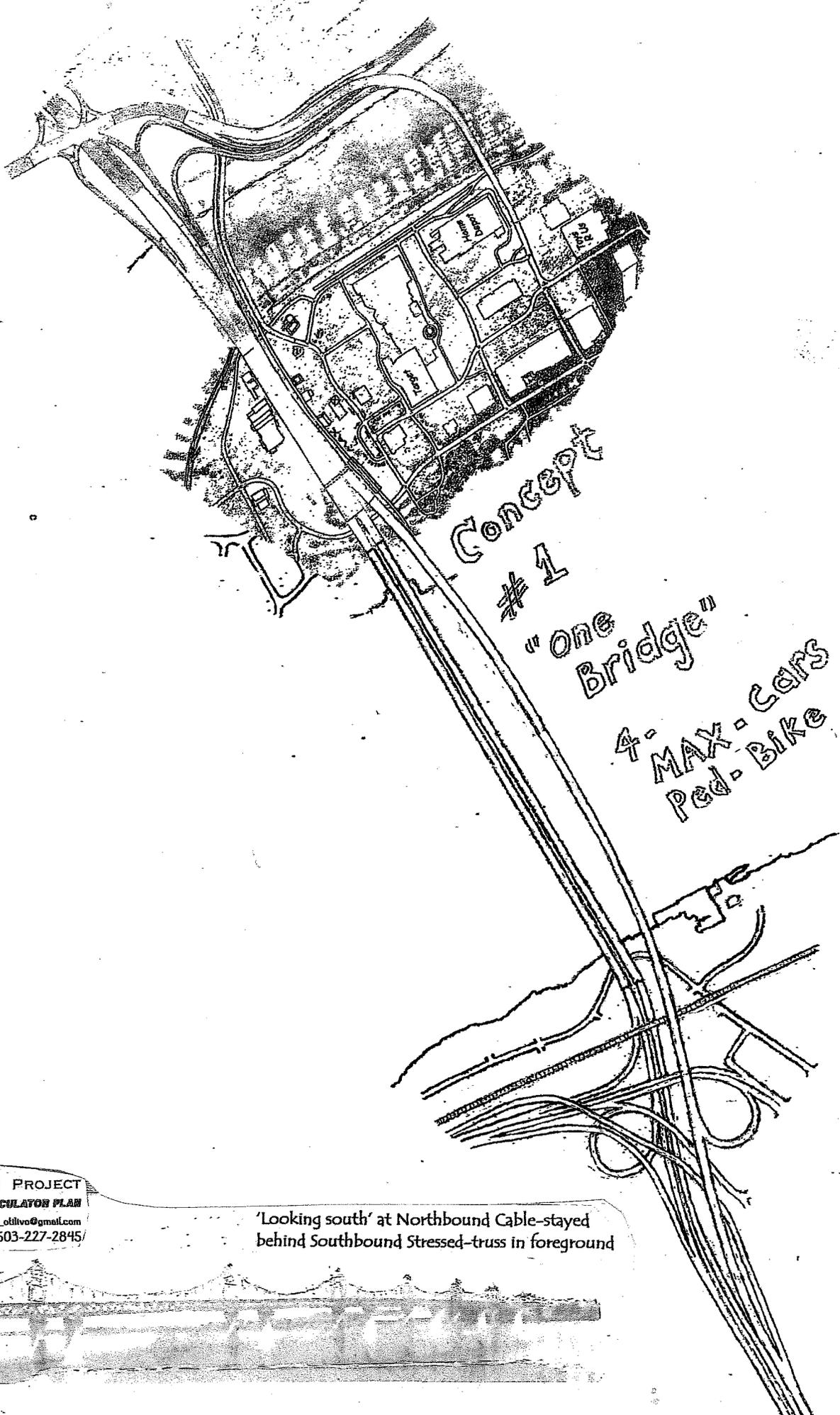
### ANALYSIS/INFORMATION

1. **Known Opposition:** none
2. **Legal Antecedents:** Previously ratified AFSCME 3580-1 collective bargaining agreements.
3. **Anticipated Effects:** Metro operations will continue uninterrupted.
4. **Budget Impacts:** For the current fiscal year beginning July 1, 2011, the lump-sum cost of living adjustment and the health insurance premium costs are accounted for in the FY 2011-12 budget passed by Council.

#### **RECOMMENDED ACTION**

The Acting Chief Operating Officer recommends approval of the resolution.

Materials following this page were distributed at the meeting.



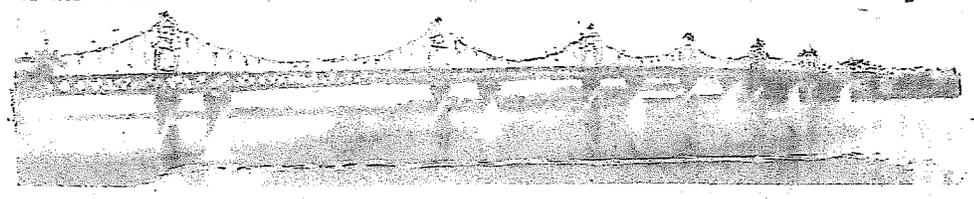
Concept  
# 1

"one  
Bridge"

4-  
MAX-CARS  
Ped-BIKE

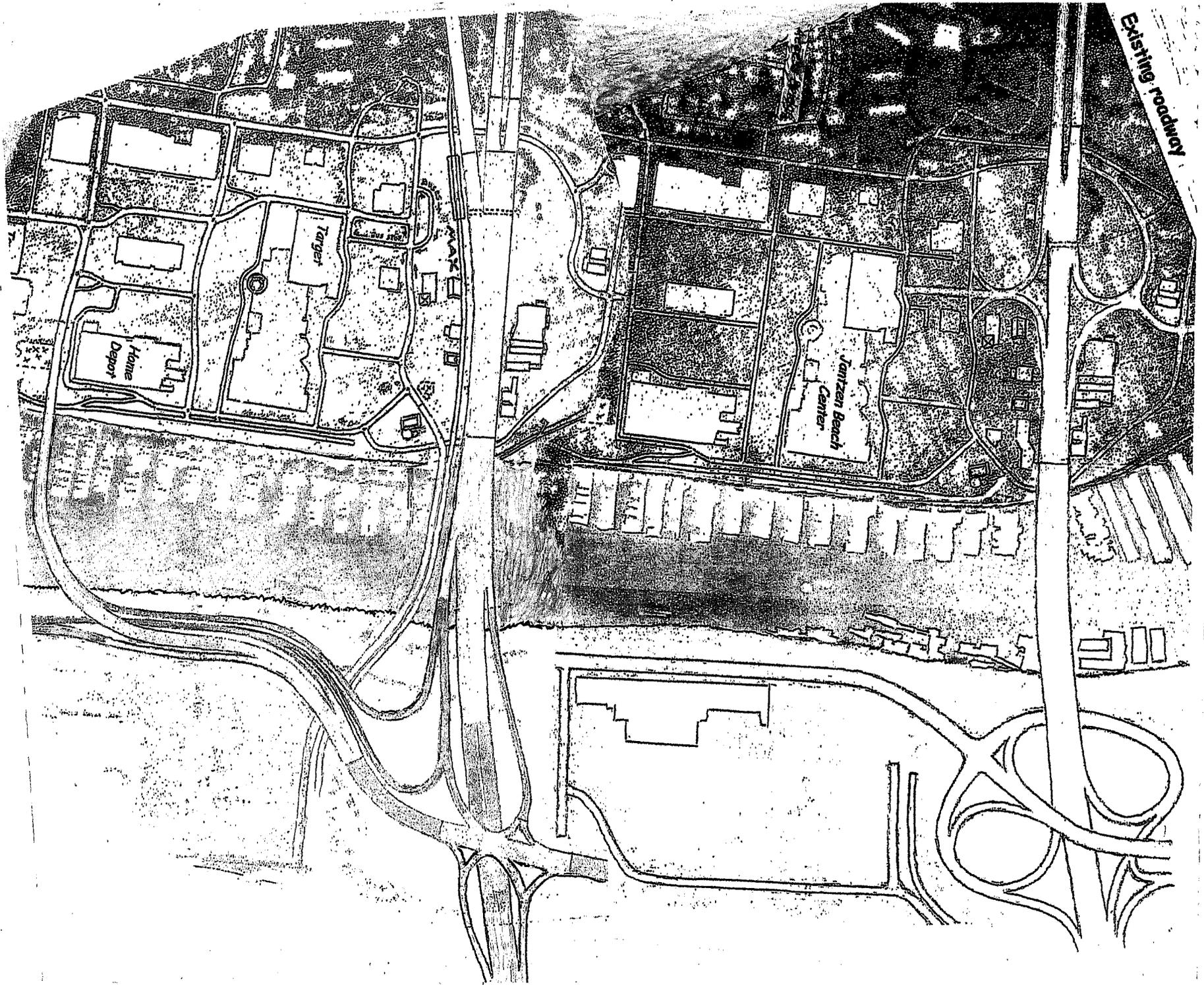
THE **LOTI** PROJECT  
THE SEATTLE CIRCULATOR PLAN  
Art Levellan Lotitvo@gmail.com  
PORTLAND 503-227-2845/

'Looking south' at Northbound Cable-stayed  
behind Southbound Stressed-truss in foreground



# Concept #1 Hayden Island Roadway Network Land-use & Development Proposal





Existing roadway

Home Depot

Target

Jantzen Beach Center



## METRO COUNCIL MEETING

Meeting Summary

Sept. 8, 2011

Metro Council Chambers

Councilors Present: Council President Tom Hughes and Councilors Barbara Roberts, Carlotta Collette, Rex Burkholder, and Shirley Craddick

Councilors Excused: Councilors Carl Hosticka and Kathryn Harrington

Council President Tom Hughes convened the regular Council meeting at 2 p.m.

### 1. INTRODUCTIONS

There were none.

### 2. CITIZEN COMMUNICATIONS

Ray Phelps, Wilsonville Chamber of Commerce: Mr. Phelps encouraged the Council to include Urban Growth Boundary (UGB) analysis area 4H – 316-acres in the City of Wilsonville – into the UGB for residential needs. He emphasized the need for more housing – in particular affordable housing – to create a better balance between jobs and housing. He also highlighted other benefits should the area be included, such as reduced commuter traffic congestion. (Written testimony included as part of the meeting record.)

### 3. NATURAL AREAS PROGRAM OVERSIGHT COMMITTEE ANNUAL REPORT

Mr. Jim Desmond of Metro announced that Metro staffer Kathleen Brennan-Hunter received the Oregon Recreation and Parks Association's *Distinguished Public Service* award for 2011.

Mr. Desmond welcomed and introduced Ms. Linda Craig, chair of the Natural Areas Program Oversight Committee. Ms. Craig provided a brief presentation of the committee's annual report for January 2010 to June 2011. She overviewed the committee membership, program assessment – including dashboard reports and qualitative performance measures, and conclusions and recommendations for site stabilization and program administrative costs. Ms. Craig thanked Councilor Kathryn Harrington for serving as council liaison to the committee and staff for their support.

Council discussion included the timing of site stabilization (e.g. seasonal impacts) and available funding, and the recent launch of Metro's 'It's Our Nature' campaign. Council thanked the committee for their service.

### 4. CONSIDERATION OF THE MINUTES FOR AUGUST 11, 2011

Motion:	Councilor Carlotta Collette moved to adopt the August 11, 2011 Council minutes.
Second:	Councilor Barbara Roberts seconded the motion.

Vote:

Council President Hughes and Councilors Collette, Roberts, Craddick, and Burkholder voted in support of the motion. The vote was 5 ayes, the motion passed.
---

**5. RESOLUTIONS**

**5.1 Resolution No. 11-4289**, For the Purpose of Confirming the Appointment of Martha Bennett as Metro Chief Operating Officer.

Council President Tom Hughes passed the gavel to Councilor Collette to chair the meeting while he carried Res. No. 11-4289 and Res. No. 11-4288.

Motion:	Council President Hughes moved to adopt Resolution No. 11-4289.
Second:	Councilor Rex Burkholder seconded the motion.

Council President Hughes introduced Resolution No. 11-4289 which if approved would confirm Ms. Martha Bennett as Metro’s new Chief Operating Officer. Ms. Bennett was selected after a lengthy search process that involved the Council, Metro’s senior leadership team and staff, and numerous external stakeholders including Opt-in participants. She embodies many of the important qualities highlighted by councilors and stakeholders. Ms. Bennett is a:

- Skilled communicator;
- Collaborative manager and relationship builder;
- Knowledgeable manager of public finances; and
- Strong and effective leader with experience working collaboratively on complex issues.

President Hughes thanked Mr. Dan Cooper and Ms. Alison Kean Campbell for serving as acting Metro COO and Metro Attorney while the agency conducted the recruitment.

Council discussed the open recruitment process, and stakeholder and public engagement opportunities. Councilors spoke to Ms. Bennett’s qualifications and supported the Council President’s nomination.

Vote:

Council President Hughes and Councilors Collette, Roberts, Craddick, and Burkholder voted in support of the motion. The vote was 5 ayes, the motion passed.
---

**5.2 Resolution No. 11-4288**, For the Purpose of Authorizing the Council President to Sign the Final Environmental Impact Statement for the Columbia River Crossing Project.

Motion:	Council President Hughes moved to adopt Resolution No. 11-4288.
Second:	Councilor Burkholder seconded the motion.

Council President Hughes introduced Resolution No. 11-4288. At the August 11 Council meeting, the Council approved the amendment of the Columbia River Crossing (CRC) Land Use Final Order (LUFO), but deferred the decision to authorize the Council President to sign the CRC’s Final Environmental Impact Statement (FEIS) pending a number of issues. CRC and ODOT have continued to address Council’s questions regarding mitigation indentified in the FEIS document and

commitments for work activities moving forward. A revised Attachment A to the resolution was distributed that reflected Council's comments and requests from their Sept. 6 council work session. (Handout included as part of the meeting record.) Council President Hughes emphasized that the project must be built citing deteriorating infrastructure and impacts to freight travel (e.g. port and rail activities) as reasoning.

Mr. Kris Strickler of ODOT briefly overviewed modifications and/or amendments to Attachment A as a result of Council and staff's discussion at the Sept. 6 work session:

- *Page 4:* New language that (1) requires construction equipment and methodology utilize best practices throughout the life of the project as they become available in order to minimize environmental impacts during construction; and (2) provides a more clear description of the short versus long-term air quality impacts.
- *Page 7:* New language that highlights that both approaches to a community enhancement fund have been successfully implemented in the region and will help inform the project. In addition, the document was reorganized and the community enhancement fund scope of work is now embedded in the main document.
- *Page 9:* New language that addresses cross-jurisdictional laws, governance and funding.

Councilor Collette opened a public hearing on Res. No. 11-4288:

- Ron Swaren, 1542 SE Umatilla St., Portland: Mr. Swaren was opposed to the resolution. He stated that the DOT's FY 2012 budget highlights' list the CRC project competing for funding against three other projects and that it is unlikely the CRC will be funded. He stated that both the Oregon and Washington state legislatures have indicated that there will be no funding available for the CRC for at least 3 years.
- Debbie Petersen, SE 10<sup>th</sup>, Vancouver, WA: Ms. Petersen distributed and read from a copy of former Metro Councilor Robert Liberty's testimony to the CRC Independent Review Plan on July 7, 2010. Ms. Petersen was opposed to the resolution and recommended the Council read the complete testimony prior to taking action on the resolution. (Written testimony included as part of the meeting record.)
- Tom Dana, 1501 N Hayden Island Drive, #110: Mr. Dana was in favor of a new bridge, but noted concern with the displacement of the local Safeway, noise impacts, and potential for decreased business on the island. He encouraged CRC and ODOT staff to apply more pressure to Safeway and encourage the store to relocate on the island. He emphasized the need for a community enhancement fund.
- Gerald Fox, 1607 SW Greenwood Rd., Portland: Mr. Fox was opposed to the resolution stating that the project has provided misinformation. He was concerned with the project's claims of reduced traffic congestion and increased road capacity. He was also concerned with the proposed bike facilities and tolling. He encouraged the Council to consider alternative transportation options, with a local street bridge, and improvements to the existing railroad bridge. (Written testimony included as part of the meeting record.)
- Frank Martin, 235 SE 165<sup>th</sup>, Apt. 139, Portland: Mr. Martin believe the goal of the CRC project had shifted away from improving traffic flow to increasing alternative transportation options. He was concern with the costs to consumers – specifically that

the tolling rates placed on trucking companies would result in higher prices for consumers.

- Herman Kachold, Hayden Island Livability Project: Mr. Kachold asked the Council questions regarding the deadline the FEIS submittal, the FEIS public comment period, and the City of Portland's Rose Quarter Plan.

Mr. Strickler indicated that, pending Council's approval of the resolution, the FEIS would be released on Sept. 23 and would commence and a federal 30-day public comment period which includes two public drop-in sessions on Oct. 12 and 13. He overviewed the proposed timeline and anticipated federal decisions. Staff anticipated construction would begin at the end of 2013.

- Kathleen Worman, 3805 NE 63<sup>rd</sup>, Portland: Ms. Worman was opposed to the resolution and stated that the project would not solve congestion. She encouraged the Council to reconsider a Westside bypass.
- Chris Girard, Plaid Pantries, Inc.: Mr. Girard was opposed to the resolution. He stated that while CRC staff has said that they embrace the IRP's report, the project has continued to move forward with the original plan. Mr. Girard emphasized project unknowns including the project's finance plan. He believed that the resolution as proposed put the CRC in charge of Metro's goals and policies. (Written testimony included as part of the meeting record.)
- Joseph Cortright, Impresa Inc.: Mr. Cortright was opposed to the resolution. He stated that (1) the impacts of the project are uncertain; (2) the CRC traffic model projections are inaccurate; and (3) the effect that approval of CRC will have on funding for other transportation projects in the region is unknown. (Written testimony included as part of the meeting record.)
- Sharon Nasset, Third Bridge Now: Ms. Nasset was opposed to the resolution stating that Oregon and Washington state legislatures have yet convened to a project oversight committee and are not anticipated to until late September – specifically four days after the anticipated submittal of the FEIS.
- Art Lewellan: 1020 NW 9<sup>th</sup>, Apt. #604, Portland: Mr. Lewellan was opposed to the resolution. He believe the Hayden Island interchange as currently proposed was unsafe and recommended Council reconsider Concept #1 regarding the Island's interchange and off-island access. (Written testimony included as part of the meeting record.)
- Ronald Buel, 2817 NE 19<sup>th</sup> Ave., Portland: Mr. Buel was opposed to the resolution. He stated that the persons, who worked in 1972 to 1973 to help create Metro, would not recognize what the Metro Council has done in the last 3 months regarding the CRC. He believed Metro used a 15-year old exemption to circumvent standing land use laws and disregarded the IRP's comments on the traffic models and carbon dioxide emissions. He encouraged the Council not to move the FEIS forward; he cited impacts to air quality and traffic congestion as reasoning.

Seeing no additional citizen's who wished to comment, Councilor Collette closed the public hearing.

Council questions addressed the project's traffic model forecasts and projected traffic congestion relief, and the City of Portland's Rose Quarter Plan. While council thanked CRC staff for their work over the past month, some councilors continued to express concerns about the project's finance plan and phasing, and wanted to ensure Hayden Island residents would be protected. Additional discussion included benefits of light rail, the political complexity of the project, and the importance of a building a bridge the region can celebrate and support.

Vote:

Council President Hughes and Councilors Collette, Roberts, Craddick, and Burkholder voted in support of the motion. The vote was 5 ayes, the motion passed.
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Councilor Collette passed the gavel back to Council President Hughes to preside of the remainder of the meeting.

**6. CHIEF OPERATING OFFICER COMMUNICATION**

Mr. Cooper announced that Metro staff was awarded the Federal Transit Administration' award for *Outstanding Achievement for Excellence in Environmental Document Preparation* for the Portland to Milwaukie light rail project. Council congratulated staff.

Additional updates included a recent partnership with Burgerville and Walk There! program that provides coloring kits with different Walk There! themes to children.

**7. COUNCILOR COMMUNICATION**

Council communications included an update on the recent Joint Policy Advisory Committee on Transportation (JPACT) meeting.

**8. ADJOURN**

There being no further business, Council President Hughes adjourned the regular meeting at 3:55 p.m. The Metro Council will reconvene the next regular council meeting on Thursday, Sept. 15 at 2 p.m. at Metro Council Chambers.

Prepared by,



Kelsey Newell,  
Regional Engagement Coordinator

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF SEPT. 8, 2011**

<b>Item</b>	<b>Topic</b>	<b>Doc. Date</b>	<b>Document Description</b>	<b>Doc. Number</b>
2.0	Testimony	9/8/11	Written testimony submitted by Ray Phelps	90811c-01
3.0	Report	9/2011	Taking Measure: A report to the community from the Natural Areas Program Performance Oversight	90811c-02
5.1	Exhibit	N/A	Exhibit A to Resolution No. 11-4289	90811c-03
5.2	Memo/Attachment	9/8/11	Letter to President Hughes from CRC staff regarding FEIS; Attachment 1 to Resolution No. 11-4288	90811c-04
5.2	Testimony	9/8/11	Written testimony submitted by Debbie Petersen – Testimony was originally distributed to CRC IRP by Robert Liberty	90811c-05
5.2	Testimony	8/11/11	Written testimony submitted by Gerald Fox	90811c-06
5.2	Testimony	9/7/11	Written testimony submitted by Chris Girard	90811c-07
5.2	Testimony	9/8/11	Written testimony submitted by Joe Cortright	90811c-08
5.2	Testimony	9/8/11	Written testimony submitted by Art Lewellan	90811c-09
5.2	Testimony	9/7/11	Written testimony submitted by Sharon Nasset	90811c-10



Chief Operating Officer  
Attention: Sherry Oeser  
Metro 600 NE Grand Avenue  
Portland, OR 97232

June 2, 2011

Dear Chief Operating Officer,

**President**

Josh Cerra

**Vice President**

John Fitchen

**Secretary**

Wink Gross

**Treasurer**

Candy Plant

**Past President**

Peter Paquet

Josh Cerra

Tony DeFalco

Katy Erhlich

Kristina Gifford

Wink Gross

John Hammerstad

Barb Hill

Koto Kishida

Karen O'Connor Kruse

Bob Liddell

David Mandell

Noelwah Netusil

Dan Rohlf

Lee Savinar

Ron Spencer

Julie Wilson

**Board Member**

**Emeritus**

Dave Marshall

We are writing to request an appeal of the Chief Operating Officer's decision to extend the City of Troutdale's Title 13 compliance deadline. We do not believe that City of Troutdale meets Metro Code Chapter 3.07 criteria to be granted an extension. The City of Troutdale could adopt the proposed comprehensive plan and code changes staff prepared October 2009 to comply with Title 13 at any time and thereby meet most if not all of Troutdale's obligations under Title 13. The Troutdale City Council has not taken action comply with Title 13 for the last year and a half. There is no "good cause for failure to meet the deadline for compliance." An election which changed the composition of the City Council cannot be reasonably considered a "good cause" under Metro Code Chapter 3.07.

Providing an extension will not result in compliance with Title 13 as soon as possible; rather it will only result in more delay in putting in place needed and long-awaited safeguards for regionally significant fish and wildlife habitat. We therefore request that Metro Council hold a hearing to review this decision by the Chief Operating Officer.

Thank you for your consideration.

Sincerely,

Jim Labbe  
Urban Conservationist  
Audubon Society of Portland

June Mohler  
Audubon Member  
Troutdale Resident

Cc: Metro Council



Metro Council  
Metro 600 NE Grand Avenue  
Portland, OR 97232

September 15, 2011

President Hughes and Metro Council,

We are writing to request that the Metro Council accept our appeal of the Chief Operating Officer's decision regarding the City of Troutdale's request for a second extension of its Title 13 compliance deadline. We do not believe that City of Troutdale meets Metro Code Chapter 3.07 criteria to be granted another extension. Moreover the Metro Council sets a very bad precedent by granting extension to a local government that has not acted in a timely and judicious manner to comply with the Title 13 after being granted an extension.

The City of Troutdale could have adopted the proposed code changes staff prepared in October 2009 and submitted them as part of a Title 13 compliance package. Instead they tabled the proposal indefinitely and took no action for almost a year and a half. If the Council really believed that their existing code satisfied Title 13 compliance- as alleged by the City Manager Craig Ward in the City's most recent extension request- the City Council could have directed staff to submit existing code to Metro for approval. That would have at least moved the process along.

Not only has the Troutdale City Council not demonstrated progress in complying with Title 13 and delayed the processes, there is no "good cause for failure to meet the deadline for compliance." An election that may have changed the composition of the City Council cannot be reasonably considered a "good cause" under Metro Code Chapter 3.07B. Elections happen all the time. If this becomes a valid reason for granting extension under Metro Code, then it could be invoked by any jurisdiction to justify a compliance extension.

We take timely compliance with Title 13 very seriously. Regionally significant habitat is under constant threat of loss and degradation from poorly planned development, because of past zoning decisions that did not consider natural ecosystem functions and values. Title 13 is meant to correct this problem, protect our regionally interdependent ecosystem, and support natural resource restoration and enhancement in a regionally consistent way. Each passing day of non-compliance makes it that much harder for the region to achieve the MPAC Vision Statement adopted in 2000 for the regional goal 5 program.

When MPAC approved the proposed Title 13 Regional Functional Plan in 2005 and recommended Metro Council adoption, Jack Hoffman made a point of emphasizing that implementation of the region's growth management plan must begin with assumptions of good faith, it must give parties the benefit of the doubt regarding their commitments. Local jurisdictions must be trusted to

**President**  
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Koto Kishida  
Karen O'Connor Kruse  
Bob Liddell  
David Mandell  
Noelwah Netusil  
Dan Rohlf  
Lee Savinar  
Ron Spencer  
Julie Wilson

**Board Member**  
**Emeritus**  
Dave Marshall

demonstrate their willingness to make good on their obligations to other jurisdictions and Metro.

The inaction of the City of Troutdale with regard to Title 13 is an affront to the citizens and stakeholders who have labored with time and energy through the planning process to shape a more livable and ecologically sustainable future for this region. We believe granting another extension to the City of Troutdale would not only violate Metro Code but would create a serious moral hazard undermining the implementation of the Regional Functional Plan.

The Metro Council must take very seriously local government abuse of compliance extensions. Part of the promise of the 2040 Growth Concept and the Regional Functional Plan was a commitment to comprehensiveness, both in planning and implementation. The region has ~~been~~ committed to plan for the full range of public values ranging from jobs, housing, transportation, parks, walkable urban form, farm and forest land protection, **and** natural resource conservation across the urban landscape. It is not an option to implement only part of the Functional Plan or do it in only some places. That breaks a critical promise to the citizens of this region.

We hope the Metro Council will take all proper action to ensure that Title 13 of the Regionally Functional Plan is fully and properly implemented in a timely and judicious manner.

To that end, we again urge the Metro Council to accept our appeal of the COO decision regarding the City of Troutdale's request for a second extension of its Title 13 compliance deadline

Thank you for your consideration.

Sincerely,



Jim Labbe  
Urban Conservationist  
Audubon Society of Portland



June Mohler  
Audubon Member  
Troutdale Resident

**MINUTES**  
**Troutdale City Council – Regular Meeting**  
**Troutdale City Hall – Council Chambers**  
**104 SE Kibling Avenue**  
**Troutdale, OR 97060-2099**

**Tuesday, October 13, 2009**

**1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE**

Mayor Kight called the meeting to order at 7:00pm.

**PRESENT:** Mayor Kight, Councilor Hartmann, Councilor Wand, Councilor Thomas, Councilor White, and Councilor Kyle.

**ABSENT:** Councilor Daoust (excused).

**STAFF:** Dave Nelson, City Administrator; Rich Faith, Community Development Director; Elizabeth McCallum, Senior Planner; Debbie Stickney, City Recorder; and David Ross, City Attorney.

**GUESTS:** See Attached.

**2. CONSENT AGENDA:**

**2.1 ACCEPT MINUTES:** May 26, 2009 Work Session #2, July 14, 2009 Regular Meeting, August 25, 2009 Regular Meeting, August 25, 2009 Work Session and September 8, 2009 Regular Meeting.

**MOTION:** Councilor Hartmann moved to accept the Consent Agenda. Seconded by Councilor Kyle. Motion Passed Unanimously.

**3. PUBLIC COMMENT:** Please restrict comments to non-agenda items at this time.

None.

**4. PUBLIC HEARING / ORDINANCE (Introduction):** An ordinance amending the Troutdale Development Code (Text Amendment No. 42) and the Troutdale Municipal Code to comply with Title 13 of the Metro Urban Growth Management Functional Plan – Nature in Neighborhoods, and housekeeping amendments related to Title 13 and Metro Title 3 – Water Quality and Flood Management.

Mayor Kight read the ordinance title and opened the public hearing at 7:05pm.

Elizabeth McCallum, Senior Planner, stated before you is a text amendment pertaining to compliance with Metro's Title 13, Nature in Neighborhoods, and amendments to the text of the Troutdale Development Code (TDC) and Troutdale Municipal Code (TMC) classified as housekeeping to better organize the ordinance, and for consistency with the amendments proposed.

Elizabeth McCallum showed the Council a PowerPoint Presentation (copy attached as Exhibit A to these minutes). Ms. McCallum reviewed each of the slides in the presentation.

Councilor Thomas stated on Slide 6, I am not sure that I understand the correlation. Title 3 talks about protecting life and property from dangers associated with flooding, and you are comparing that to Title 13 moderate stream flows. How does that tie together?

Elizabeth McCallum replied moderation of stream flow and improved water storage – when you have a protected vegetated area you moderate the flow of any storm water that would leave the property. With storm water management development standards, the discharge of the treated storm water to the vegetated corridor and floodplain are to be at the pre-development rate, so that would be a moderated stream flow.

Elizabeth McCallum (in addition to the information provided on Slide 15) stated these maps include the urban planning area as well as recently annexed properties in the southerly portion of the city (Cochran Road, Sweetbriar Road, Strebin Road, Troutdale Road and Beaver Creek). Under the current mapping the floodplain (the blue hatched areas), the steep slope areas (the darker shaded area), and wetland areas are generally shown on the Title 3 Maps. The development standards of the Vegetation Corridor and Slope District currently apply to those areas on the property. The Metro Title 13 map is overlaid in the example on Slide 15. You can see that the yellowish-green and dark green areas poke out a little bit around the existing Title 3 regulated areas, but it is not substantially different. So the Planning Commission (PC) agreed with the Citizens Advisory Committee (CAC) and staff that applying these amendments to the existing mapped Title 3 areas was appropriate.

Elizabeth McCallum (in addition to the information provided on Slide 16) stated during the public hearing before the PC, Metro and the Audubon Society approached the PC (under Tab F in the staff report are copies of letters from Metro and the Audubon Society) requesting that the Habitat Conservation Areas (HCA) of publically owned parks and open space areas be regulated with some additional regulations over and above what we had drafted for the PC originally. These yellow highlighted parcels (Slide 16) are publically owned parcels that are used as parks or open space. These properties are owned by the City, Metro, and State of Oregon. The standard on Page 19 of Text Amendment No. 42 that would limit development in the HCA of those parcels to low impact outdoor recreations facilities was included in this Text Amendment No. 42 that is before you.

Elizabeth McCallum (in addition to the information provided on Slide 17) stated it is a little difficult with all of the different maps to show, but I am presenting a detail of the area that shows Depot Park to the north, Beaver Creek area, Harlow Canyon, Glenn Otto Park, and

the Sandy River. These are the HCA overlays. The intent of the current language before you is that those HCA that are underneath or part of these yellow highlighted tax lots, which are publically owned parks and open spaces, are to be regulated with that exception language. You do have before you this evening a letter that came in from Metro after the staff report was put together that is dated October 12<sup>th</sup> from Brian Harper. Mr. Harper is here to discuss options of how that current language might be furthered revised. That would be based upon the discussion that we had during the work sessions about limiting development in the city owned areas.

Elizabeth McCallum (in addition to the information provided on Slides 18-22) stated Metro has acquired properties with the 1995 and 2006 Natural Area Bond Measures as Mr. Harper mentioned in his letter to you. Mr. Harper and other Metro staff are amenable to revisions to the language that would only apply the preservation of the HCA on those properties owned by Metro that were specifically purchased with that bond money and for which they are intended for natural areas not intended for future development. In the October 12<sup>th</sup> letter from Brian Harper, he is agreeable to revising the language of TDC 4.311 which is discussed on pages 3 & 4 of my staff report. Metro is agreeable to allowing the City to only have the more restrictive applicability statement for HCA be on Metro owned parcels that were purchased with the Metro green space bond money. The other areas within the city that I was able to identify that belong to Metro are the Douglass Cemetery and the Mountain View Cemetery; those are not intended for anything other than cemetery use so it wouldn't apply to them. We have two parcels that Metro purchased from a private property owner on the west side of Troutdale Road that have Beaver Creek frontage so it would apply to that property. There is also an area east of Beaver Creek that was purchased with open space money. There are two parcels on the east side of the river that Metro purchased of which a portion is outside of the city. The applicability statement that Metro would like to see is that the development standards for the Vegetation Corridor District also apply to the HCA of these parcels and the Beaver Creek Canyon parcel.

Elizabeth McCallum reviewed Slides 23 – 29. The PC found that the criteria (shown on Slide 27) were met. The ordinance includes findings that explain those criteria, the purpose of these amendments and how they substantially satisfy Metro's Title 13. The findings also address the public notification, hearing procedure, testimony received at the PC hearings, testimony received since the PC's recommendation, and a place holder for additional testimony that may be received this evening. You have two letters that were received after the staff report was prepared for this hearing. In the packet you have a letter from Tom Bouillion following up on his request to allow for off-site mitigation outside of the city limits or the urban planning area because the PC adopted the standard that would require mitigation for tree removal within the city limits or the city's urban planning area. I have spoken briefly about Brian Harper's letter from Metro about the applicability of the standards to the HCA as well as the Vegetation Corridor areas on properties owned by Metro purchased with the Metro open space bond money. We received (via fax) a letter late this afternoon from a property owner, Mr. Peter Matzke, voicing his concerns that these standards are a taking of his property rights. Mr. Matzke did attend many of the CAC meetings and we briefly spoke with him at the meeting about some of his concerns about these standards and the floodplain management standards. We did follow-up with FEMA as well about the floodplain mapping.

The PC does recommend the proposed amendments to the City Council for adoption. There are three options: A) Confirm the recommendation of the PC and enact an ordinance adopting these amendments; B) Revise the recommendation of the PC, adopt additional findings to support the revisions, and enact an ordinance adopting the amendments as revised; C) Reject the proposed amendments as recommended by the Troutdale PC and adopt findings supporting this decision. Staff is recommending Option B based upon conversations that we had at the work sessions, and in light of other additional testimony there may be other revisions that Council may wish to consider. Prior to the close of the hearing on this matter staff is requesting direction from Council on any changes to be made to the amendments and ordinance. Staff will incorporate those changes prior to the second hearing on this ordinance.

Mayor Kight stated this is a very complex and complicated subject. I am concerned that when we enact things like this that there are always those unintended consequences. In my mind I am not sure how specific property will be harmed, damaged, or affected.

Councilor Hartmann asked does Troutdale suffer from any land use negligence that we know of? Are we pretty good stewards of different land use requests that come through the city with regards to preserving existing Title 13 areas?

Elizabeth McCallum replied I would say generally we don't have non-compliance with our standards.

Councilor Hartmann asked do we have a working effort by staff to preserve and exert concern for all projects that are going on in our city with regards to Title 13?

Elizabeth McCallum replied we haven't adopted Title 13 yet, but our existing Vegetation Corridor and Floodplain Management standards are evaluated every time a property comes in for development whether it is a single-family house that has land with a vegetation corridor, a huge commercial development or a subdivision, the standards are evaluated and applied. If the standards cannot be met the applicant requests variances and they have to meet the variance criteria and then that is evaluated as part of that total development request.

Councilor Hartmann asked and those processes are working good?

Elizabeth McCallum replied yes they are.

Councilor Hartmann asked is Troutdale in any kind of legal risk of any sort with regards to Title 13 and what we must do to adopt Title 13?

Elizabeth McCallum replied Metro did give us a deadline of January 2009, but we have received an extension. Metro Planner Brian Harper is here tonight and may be able to speak more specifically to their desired timeline for us to adopt these amendments.

Councilor Hartmann asked does Troutdale offer equivalent protections that would somehow equate to Title 13 requirements?

Elizabeth McCallum replied as I explained in the staff report there are existing standards for vegetation corridor development and floodplain management. There is an overlap. There is a need to revise some of that language so that it is more specific to Statewide Planning Goal 5 with respect to preservation of significant wildlife habitat.

Councilor Hartmann asked so there are some roughly equivalent standards in place today?

Elizabeth McCallum replied for the most part we have standards that are somewhat equivalent but they have been revised in the amendments before you so that they are substantially in compliance with Title 13. They are not everything that Metro requested in Title 13.

Councilor Hartmann asked do we have an impact study or some understanding of what the potential loss to land owners would be with regards to the restrictions under the proposed changes?

Elizabeth McCallum replied no we don't.

Councilor Wand asked under our existing land use development ordinance, has there been any finding from a court or administrative agency stating that we are not sufficient for meeting Title 13 in our existing form?

Elizabeth McCallum replied there has been no court finding.

Councilor Wand asked has there been any administrative law proceeding with regard to that?

Elizabeth McCallum replied I am not sure I understand your question Councilor Wand.

Councilor Wand asked has it gone before the Land Conservation and Development Commission or Land Use Board of Appeals?

Elizabeth McCallum replied our ordinance has not been challenged. Staff has worked with Metro for about the last ten years to be aware of these pending amendments and standards and worked with prior Metro planning staff to compare our existing standards that relate to Nature in Neighborhoods so the amendments were built upon that comparison chart.

Councilor Wand stated but that was only at the staff level.

Elizabeth McCallum replied yes. There has not been any legal challenge or evaluation of our ordinance.

Councilor Wand stated during our work sessions several of us on the city council asked if any additional areas of privately owned land would be subjected to additional or different requirements as a result of adopting the proposed Title 13. My recollection from that was that the staff communicated to us that the maps were the same and that these were already

environmentally sensitive areas and that we were not expanding them at all. During your presentation today you were showing a map and you said there was a little bit of an expansion but it is not significant. So is there any expansion of any of these zones as a result of what is being proposed here tonight?

Elizabeth McCallum replied in the amendments, on privately held property only the areas that are generally mapped on the Title 3 map are subject to these standards. The amendment includes an applicability statement that HCA, which is the area I was trying to show to you that slightly extends beyond - particularly the Beaver Creek green space parcel - the amendment before you would apply the standards to those areas that are publicly owned parks and open space properties. The applicability to privately held property is only to those areas that are generally currently mapped on the Title 3 map. The way it is written right now for privately owned property, there is not more area that this would apply to. But I do need to footnote that, the maps are reference only, they are not surveys. There is language in the applicability statement that specifies that these are only references and that at the time development would be proposed there has to be a specific survey of those areas.

Councilor Thomas stated one of the concerns I had was in regards to the overlays and how that affected Glenn Otto Park and our ability to continue with our Parks Master Plan with construction of various things such as a new caretakers' house and expanding parking. With that overlay you showed it looks like it would fall into the category where we couldn't do that because it is publicly owned property. The urban renewal site was another area that I am concerned about. How do we get around that?

Elizabeth McCallum replied this is your opportunity to revise that. We discussed revising the language at your work sessions. The PC has already adopted the language, but Metro is agreeable to a change of that language. In my staff report I show a revision where that standard that the PC recommended to you would have been totally stricken. In Brian Harper's letter he is saying that Metro is agreeable to a change that says *that these standards apply to all Metro owned parks and green spaces that are designated for natural areas, not intended for future development, and are mapped on the Metro Title 13 Habitat Conservation Area Map.* That is in addition to the vegetation corridor areas.

Councilor Thomas stated in Metro's proposed language it would be my preference to just stop after "future development" and leave out the Metro Title 13 map.

Mayor Kight stated Councilor Hartmann asked if an impact study had been done and of course we know there hasn't been one because we don't have any resources to do a study at this point and time. I would feel more comfortable if you could show us what this proposed change would look like on some specific properties in Troutdale. You could identify the parcel and show what it would be under Title 3 if it came in for development, and then how it would be affected if it was under Title 13, the new regulations. Could we do something like that?

Elizabeth McCallum replied in broad strokes. The way the ordinance currently is written the developer has to provide us with the survey of the steep slopes, the topography survey

showing exactly where the floodplain is on their property, and a survey of the trees that would be within the vegetation corridor. There is a lot of detail needed. There are a lot of broad-brushed pictures we could paint until there is money for an actual survey, and maybe in some instances engineering work. We had a developer who was allowed to do a balanced cut and fill in the floodplain to make a more livable piece of property. That provision is there and it is responsive to the opportunities that still exist for development of their land even though we have regulations that would protect floodplain and vegetation corridors.

Mayor Kight stated Beaver Creek Cottages, a 10-lot subdivision, is being developed under Title 3 regulations. What would it look like under Title 13 regulations?

Elizabeth McCallum replied I would say that it would look virtually the same. There is nothing in the revisions that would have taken away the opportunity for the density that they are building at now, the opportunity for a balanced cut-and-fill, or their opportunity to remove the trees that they did remove because they are replanting them. What we do have under the amendment is a very specific number of trees and shrubs that they would have to plant for each regulated tree that they did remove.

Mayor Kight asked is there any property that you can think of, without having a survey or engineering work done, that would be appreciably changed with these amendments?

Elizabeth McCallum replied it has been our goal, and the instruction from the CAC, that they didn't want to affect more property and so that is how the amendments have been written. I really can't identify, at this time, how any development would be appreciably different.

Mayor Kight asked from your professional opinion, you do not feel that it would be any kind of an economic/financial impact on property owners?

Elizabeth McCallum asked over and above what Title 3 already has?

Mayor Kight replied yes.

Elizabeth McCallum stated their actually may be less cost because some of the amendments allow developers to use the vegetation buffer totally for the storm water, where right now they are restricted. Of course the vegetation buffer would have to be less than 15% slope.

Rich Faith stated Ms. McCallum and I have been working together for the last year on these amendments and they have gone through several iterations. It has been our goal as we have drafted language that we did not want to impose additional burdens on property owners. Our goal was to meet substantial compliance with the requirements of Title 13, and not to impose additional restrictions and burdens on our private property owners. In the course of drafting this language and discussing it, if we found something that meant that someone will be affected differently or it would play out differently on a piece of property, then we would go back and take a different approach. We were always cognizant of not putting additional restrictions over and above what is currently on the books, but merely do the minimum to meet substantial compliance with Title 13 and to improve language where we could to

actually better understand how we are applying the Code currently. That was our overall goal.

Mayor Kight asked to your knowledge, you don't know of any piece of property in Troutdale that would be adversely affected either economically or where they could not use in part or in whole their property as they can now under Title 3?

Rich Faith replied certainly we haven't done an analysis of every piece of property in Troutdale in terms of what could be done under the current standards verses these proposed standards. There are so many variations and variables that could apply in how one wants to develop a piece of property. I can only tell you what our objective was. We tried to always be cognizant of what we were writing and how that would affect, generally speaking, private properties in the city. I cannot say that there wouldn't be one piece of property out there that under a certain circumstance might be adversely affected.

Councilor White stated in the Metro letter that we just received, in the second paragraph it says, "As you know, when adopting the Nature in Neighborhoods program, the Metro Council stated it was extremely important that public land be held to a higher standard of protection for natural resources." I think the opposite is kind of true. For example on public land we are allowed to do roads in a VECCO area whereas a private property owner would not be allowed to do that. Shouldn't that be the first thing we do here, remove stuff like that and really restrict our public land if our intent is to really hold it to a higher standard. I don't think it is; I am just making that point. My fear is that the next step will be to apply these standards to private property as well so that the dots will connect on these maps. My expectation on Title 13 was that we were going to submit to Metro our current existing Code, which was recently done on Title 3 which was done with science. It allowed for the proper amount of setbacks and clean water. We are blessed because we have clean water. I think we have done a far greater job than a lot of other cities. My expectation was to provide some stability in the Code to provide some relief to property owners so that they don't have to struggle through these documents and worry that it is going to affect their land or have to hire an attorney to read it to find out if it does or does not affect them. I know that when Title 3 was adopted just the change of one word in the Metro language going from ordinary high water make to bankfull stage, that created a potential of a much greater setback. That is just an example. There is so much language in the proposed amendments that I don't understand that it gives me reason to be concerned. Why fix it if it's not broken. I believe that the PC vote was 3 to 4 on these amendments.

Rich Faith stated the vote was 4 – 3 in favor of forwarding this on to the City Council for adoption.

Councilor White stated on the tree thing where we are now including the floodplain under the same standards as the Vegetation Corridor (VECCO) and I know we weren't doing that prior. You can have a floodplain that extends beyond the VECCO and your trees are treated just like any other tree in a neighborhood yard, but now with this language we are going to say that it is considered part of the VECCO.

Elizabeth McCallum replied under the proposed and existing floodplain standards there are already regulations about removal of trees. Under Agenda Item #5 - Uses Allowed in a Floodplain – existing language prohibited uses includes: excavation, fill or vegetation removal without an approved land use permit. Tree removal has always been included in the vegetation removal. Under the current language you can't just go remove a tree from the floodplain without an approved land use permit. That is not changing. What the current language only allows you to do is to remove dead or dying trees; it didn't allow you to remove a healthy tree that happened to be in the only place you could build a house that would be above the floodplain.

Councilor White stated I have a question on the map where you showed the Title 13 map overlaying a current map. Is that our current Title 3 map?

Elizabeth McCallum replied this is the best that I can do with the tools that I have. These overlays are not the exact Title 3 map. This particular example Title 3 is the blue line, which is Beaver Creek itself. There is a vegetation corridor width associated with that that cannot be represented on here with the tools that I have. It could be wider or narrower than what I show on here; this only gives you a general idea. The dark striped and hashed areas are Title 3 floodplain or wetlands. The red shaded area is the steep slope areas. Again, these are general. That is overlaid on top of the HCA map.

Councilor White asked my question was the Title 3 Maps, are those the Metro maps that you are referring to?

Elizabeth McCallum replied yes.

Councilor White stated I think it is difficult to say that when they overlap that there is very little additional land being affected because those maps haven't been "ground-truthed". I have heard from numerous people that their map is incorrect. In fact Peter's letter says that very same thing. I know that when they go to develop they will be surveyed and that is when the "ground-truthing" occurs. I think it is hard for you to make that assumption that no additional areas are going to be affected.

Elizabeth McCallum stated these amendments do not come before you from the PC to apply to the Title 13 HCA on privately owned property. They are coming to you to apply only to the Title 13 areas, which in the applicability statement say they are generally mapped and they have to be surveyed.

Councilor White stated there was actually one portion that I liked where we talked about lowering density for properties that are limited by either slope districts or riparian zone. I know that since we are not going to apply that I am wondering if that is something we should look at pursuing. I think it was brought up at one of the PC meetings that I attended where the person actually explained that the required density would not fit because they have lost so much land due to the slope district and VECCO that we were going to look at lowering their particular density to accommodate.

Elizabeth McCallum stated as it is drafted that is an option; they are not prevented from building at maximum density albeit they've got smaller units. The standard that is written gives them the option, it does not require them to build at 80% density on the net area if more than 50% of their parent lot is affected by the Vegetation Corridor and Slope District.

Mayor Kight asked is there anyone here that would like to speak to us on this issue?

Tom Bouillion, Land Use Planner for the Port of Portland, stated the Port has been following the Metro Title 13, Nature in Neighborhoods, adoption process because of the potential impact to future development of the Troutdale Reynolds Industrial Park (TRIP), as well as to the continued safe operation of the Troutdale Airport. Because of the importance of this issue we have worked fairly closely with city staff. Rich and Elizabeth have been great to work with. We have attended two of the PC hearings earlier this summer and had a chance for extensive interaction in that venue. The good news from our perspective was that we were able to resolve most of our issues. One issue that we wanted to bring before you this evening relates to the ability of applicants to mitigate, in this case we are suggesting recommending that applicants be allowed to mitigate up to one mile beyond the city boundaries of the City of Troutdale. On the surface that might seem a little odd, but I think there are probably four or five good reasons for allowing that. I provided a map in your packet which you can find under Tab G. The map shows the city boundaries in a hatched pattern and essentially a one-mile buffer beyond that. One thing that sticks out is there is quite a bit of public open space within that one-mile buffer which we feel would be good locations to provide some city required mitigation plantings. That includes properties such as the US Forest Service property on the east side of the Sandy River, part of Blue Lake Park, and Mt. Hood Community College to name just a few. All of these get a fair amount of use by Troutdale residents. The second reason relates to the Metro model ordinance, which allows for mitigation in a watershed; it is not limited to specific jurisdiction boundaries. The third point is that, although it may not seem like it, we have determined that within the city boundaries of Troutdale there are a limited number of suitable areas on public property. Although the Port is a large land-owner here in Troutdale, a lot of the property, for example north of the levy, is already heavily treed. Other areas within the TRIP property are slated for future development. Other areas on or near the airport we really can't plant because of a potential wildlife hazard issue. Many of the city owned parks are fairly heavily treed already or they are already committed for active use such as ball fields or parking lots. The final point is in the past the planning staff has actually allowed us to provide mitigation plantings on Forest Service property east of the Sandy River. The Port and the US Forest Service has developed a good working relationship so that has been a win-win for both agencies. The Port has been able to provide plantings in the appropriate locations and the Forest Service has found they enhance their property. The residents of Troutdale have probably benefited from those enhanced plantings as well. We would like to continue that established relationship.

Andy Priebe, Aviation Project Manager for the Port of Portland, stated I represent the Airport operations side of this. The Federal Aviation Administration (FAA) owns the airspace and regulates the Troutdale Airport. The Port of Portland works with property owners (private, public, local governments) on behalf of the FAA to make sure that the airspace is protected to

the extent possible from structures, cell towers, and trees. Unfortunately, you can't regulate a tree the way you can a structure or cell tower. There are trees on Airport property that are affecting the airspace of the Troutdale Airport. Some are to the extent that is not alarming in any way, others are encroaching on the approach surface to one of the runway ends. Those are trees that are located on Marine Drive. I am here to support the idea that we have flexibility in a way that when we come to you with a request to remove these, that we will have the opportunity to do mitigation in a less constrained way than the original ordinance had. We have had good success in the past in managing new obstructions by mitigating for their removal on Forest Service land across the Sandy River. That is a helpful strategy and we would appreciate it if you would adopt the ordinance with the ability for us to continue doing that.

Mayor Kight asked under Title 13 is there anything that is particularly restrictive to your operation?

Tom Bouillion replied at the TRIP site we have tried to take a look at what the differences would be under Title 3 versus Title 13. It is a little bit of a mixed bag until you have an actual development. The main difference is that Title 13, by taking the model ordinance approach it is kind of a prescriptive way so that if you impact a certain amount of space in the VECCO buffer you provide this mitigation. I guess the one problem with that is it doesn't necessarily account for a qualitative aspect. There are some areas on the TRIP site where Reynolds built some ditches and those are regulated wetlands and they have a 50' VECCO buffer off of them. Some of those 50' buffer areas really don't have much, if any, vegetation. In some ways we may have had more flexibility under Title 3 to argue that if the quality of the area is really low maybe we wouldn't need to provide as much mitigation. Under Title 13 it is a prescriptive approach that says if you disturb this much square feet you need to provide this number of trees. On the other hand, some people might welcome knowing exactly what their mitigation obligation is. It is more of a mathematical exercise as oppose to going out in the field and saying this is a low quality habitat, maybe we don't need as much mitigation, or on the other hand you could say it is a high quality habitat so you need to provide something additional.

Dalton Williams stated the staff has been very helpful in walking me through some of these changes. One of the specific changes made was a result of my concern about my particular piece of property which a large portion is in a steep slope and VECCO area and because of that less than half of the property is available for development. The changes made allowed us to account for alleviation of the minimum density requirement so that we could put something on the property without having to stack houses four or five tall. I appreciate the help from staff on that. The one thing that I have had difficulty with on that property in the past when I was trying to sell it was with a ditch that I dug in the back against the slope to get rid of the spring water. When I dug that up there was a clay path there. Originally someone had put in a french drain to collect that spring water and get rid of it. It has been referred to as a stream; it is not a stream it is a ditch. I still have a problem with the way the Code would be applied to that property in that there is a 50' setback required for that ditch, which further reduces the usefulness of the property. I don't have a solution for that. I would like to work with the staff further on that and I would like to have an opportunity at the next hearing to

further discuss the issue and address the issue of what impact these changes have on private property owners. Otherwise, I have had a real good experience with staff and the changes that were made to accommodate the density issue.

Mayor Kight closed the public hearing at 8:28pm.

**MOTION: Councilor Wand moved to postpone consideration of this indefinitely.**

**Mayor Kight asked for guidance from the City Attorney.**

**David Ross, City Attorney, responded a motion to postpone indefinitely is debatable and is not amendable, and may be reconsidered at the same meeting only if it received an affirmative vote. The object of the motion is not to postpone, but to reject the question without risking a direct vote when the maker of the motion is in doubt as to the outcome of the question.**

**Mayor Kight stated I would like to get clarification. Are you asking to postpone this to a date certain?**

**Councilor Wand stated the motion is to postpone indefinitely.**

**Mayor Kight asked Mr. Ross, do we know what the consequences are by doing this?**

**Councilor Wand called for a point of order. I would like to know if there is a second to my motion.**

**Motion Seconded by Councilor Thomas.**

**Councilor White called for the vote. Seconded by Councilor Hartmann.**

**VOTE ON CALLING FOR THE QUESTION: Councilor Hartmann – Yes; Councilor Wand – Yes; Councilor Thomas – Yes; Mayor Kight – No; Councilor White – Yes; Councilor Kyle – No.**

**Motion Passed 4 – 2.**

**VOTE ON THE MAIN MOTION: Councilor Hartmann – Yes; Councilor Wand – Yes; Councilor Thomas – Yes; Mayor Kight – No; Councilor White – Yes; Councilor Kyle – No.**

**Motion Passed 4 – 2.**

Mayor Kight called for a break at 8:37pm; reconvened at 8:46pm.

# **Sandy River Basin Watershed Council**

**Steve Wise, Executive Director**

**swise@sandyriver.org      503-668-1428**

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

PO Box 868

Sandy, OR. 97055

# Beaver Creek

*The State of the Watershed: Spring 2011*

## Summary

Beaver Creek joins the Sandy River downstream of Glenn Otto Park. The stream is composed mainly of the mainstem, which originates in the agricultural lands southeast of Troutdale, and Kelly Creek, a major tributary that forms the Mt. Hood Community College reservoir. Kelly Creek joins the mainstem below the reservoir. The headwaters of Beaver Creek flow intermittently in the summer. Many native fish including Chinook and coho salmon and rainbow trout live in Beaver Creek. However, high water temperature, turbidity, and degraded stream buffers impact overall stream health, which ranges from severely to moderately impaired. Bacteria, pesticides, and nutrient inputs are a continuing concern. More data is needed to better understand the biological health and water quality of the stream.



# People on the Land

## Who lives in the Beaver Creek watershed?

The water that hits your property flows downhill and is part of a larger area, known as a watershed, which drains to a stream, river, wetland, or lake. The map below shows the Beaver Creek watershed in relation to city boundaries. Activities on all of the properties in a watershed affect water quantity and quality. Ultimately the responsibility for improving water quality rests with everyone who lives, works, or recreates in the watershed.

The streamside area, or "riparian zone", is perhaps the most important feature on the land to ensure stream health. Native trees and shrubs help shade the stream and filter sediment, provide habitat for birds, insects and wildlife, and provide trees that ultimately fall in the stream and create shelter for fish.

Erosion that results in sediment entering Beaver Creek could lead to excessively turbid (dirty) water and an increase in toxins due to the fact that many pesticides and pathogens attach to soil particles.

In urban areas there are additional contaminants of concern including metals, oils and combustion by-products from vehicles.

### Impacts from Land

- Stormwater runoff includes nutrients, metals, oils, bacteria, pesticides, sediment
- Agricultural runoff includes nutrients, bacteria and pesticides attached to sediment
- Poor riparian buffer = loss of stream health and water quality

### Land Use

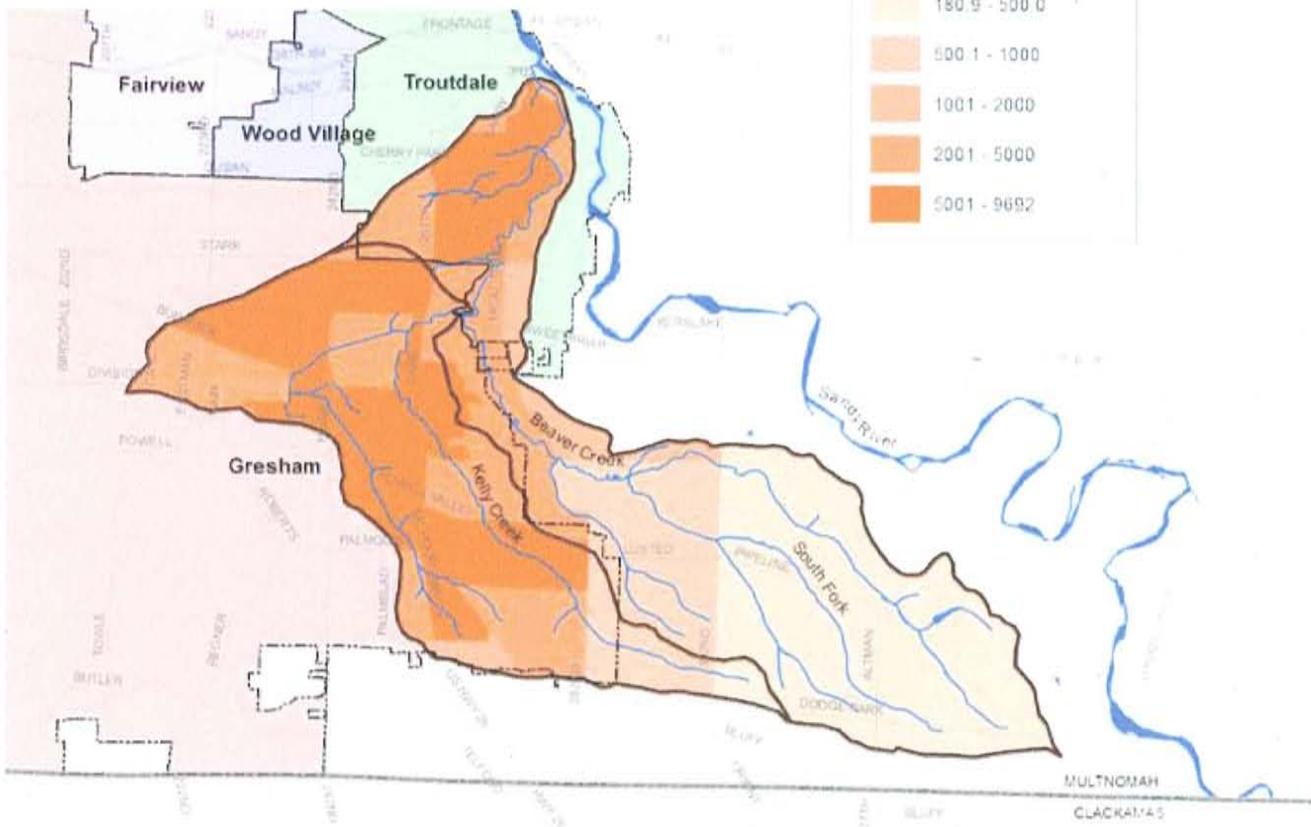
**Total population in Beaver Creek watershed:**  
about 62,000 people

**Total watershed area:** about 13.5 square miles

**Forest and farm use:** about 3,600 acres (5.6 square miles)

**Urban use:** about 4,300 acres (6.7 square miles)

**Parks and open space:** about 740 acres (1.2 square miles)



Data source: Metro

# Water Quality

## What's in the water?

Runoff can carry pollutants to Beaver Creek from drive-ways and streets, as well as farm roads and fields. The Federal Clean Water Act requires that surface waters meet water quality standards, and a plan to clean up the water must be developed and implemented if standards are not met. Beaver Creek does not meet the water quality standards for temperature and fecal bacteria. High summer stream temperatures affect the survival of salmon species and other native fish. High bacteria levels can lead to illness in people that have contact with the water.

### DATA GAPS:

- Need to identify sources of fecal bacteria
- Need to assess whether pesticide runoff is a concern
- Need to monitor turbidity and work to remove sediment sources

### LONG TERM MONITORING NEEDS:

- Temperature monitoring in key reaches
- Track bacteria levels in key reaches over time

There is currently no pesticide data available for Beaver Creek, however there is reason to believe pesticides are an issue in the stream. Pesticide contamination is widespread in the neighboring waters including Johnson Creek, the Clackamas River, and its tributaries. Pesticides are often attached to soil particles, and the high turbidity in Beaver Creek during storm events raises concerns of likely pesticide input.

The stream flow in Beaver Creek is significantly different in the summer and winter. Summer stream levels are much lower, with surface flow discharging from near the Division Street and Troutdale Road intersection in the driest months of most years. However, coho and rainbow trout are found holding in year-round pools in the upper area of Beaver Creek where the stream appears dry.



Photo credit: Wild Fish Conservancy

## Water Flow

Data Source: USGS

**Winter mean streamflow (2000-2009):** 32 to 60 cfs\*

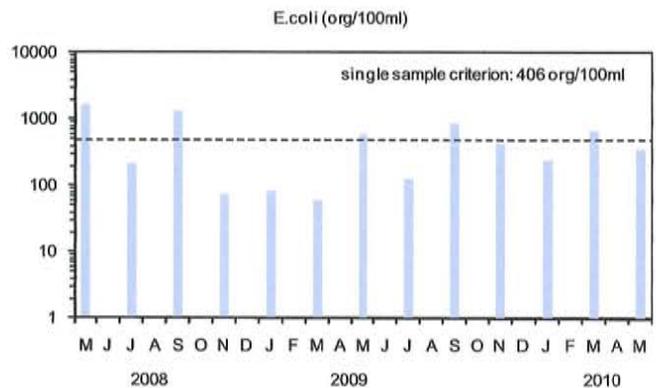
**Peak winter streamflow (2000-2009):** 361 to 1,080 cfs

**Summer mean streamflow (2000-2009):** 1 to 3 cfs

\*cfs: cubic feet per second

## Bacteria

Fecal bacteria (*E. coli*) is an indicator of water-borne pathogens, which create risks for human recreation and contact. *E. coli* counts in Beaver Creek during 2008-2010 were typically within the single sample water quality standard at the intersection of Troutdale Road and Division Street. However, the standard was exceeded at times. Wildlife, livestock, failing septic systems, and pet waste are common sources of fecal bacteria.



Data source: Multnomah County

Creek Water Temperatures			# of days exceeding WQ standard (64° F)
Year	Location	Max. Temp. (F)	
2002	Beaver @ Kiku Park	72.3°	55
2004	Beaver @ Kiku Park	72.0°	61
2006	Beaver @ Kiku Park	72.9°	31
2007	Beaver @ Kiku Park	70.5°	40
2009	Beaver @ Troutdale/Division	85.6°	74
2009	Kelly @ 16 <sup>th</sup> Dr.	70.0°	24

Data Sources: Student Watershed Research Project, City of Gresham, and Multnomah County

# Fish and Aquatic Life

## What lives in the stream?

Despite degraded stream habitat and water quality, fish surveys by Multnomah County and Mount Hood Community College have shown that Chinook and coho salmon and rainbow trout actively use Beaver Creek. County fish surveys found native fish in every habitat type surveyed. Many beavers are actively building dams in the creek which provide refuge for coho juveniles and trout. These fish need beaver dams to survive.

Multnomah County surveyed fish in Beaver Creek in summer 2010 and found 13 different native fish species, including juvenile coho and rainbow trout, throughout the watershed. Five non-native fish were also found, including large mouth bass, yellow bullhead, and mosquito fish. Kelly Creek was not surveyed for fish because upstream migration of fish is blocked at the Mount Hood Community College pond, and no salmon are found in Kelly Creek.

Mount Hood Community College students conducted salmon spawning surveys beginning in the fall of 2010 and found many live, adult Chinook and coho salmon in the reach between Troutdale Road and Cochran Road.

More comprehensive surveys are needed to adequately assess the numbers of salmon that use Beaver Creek.

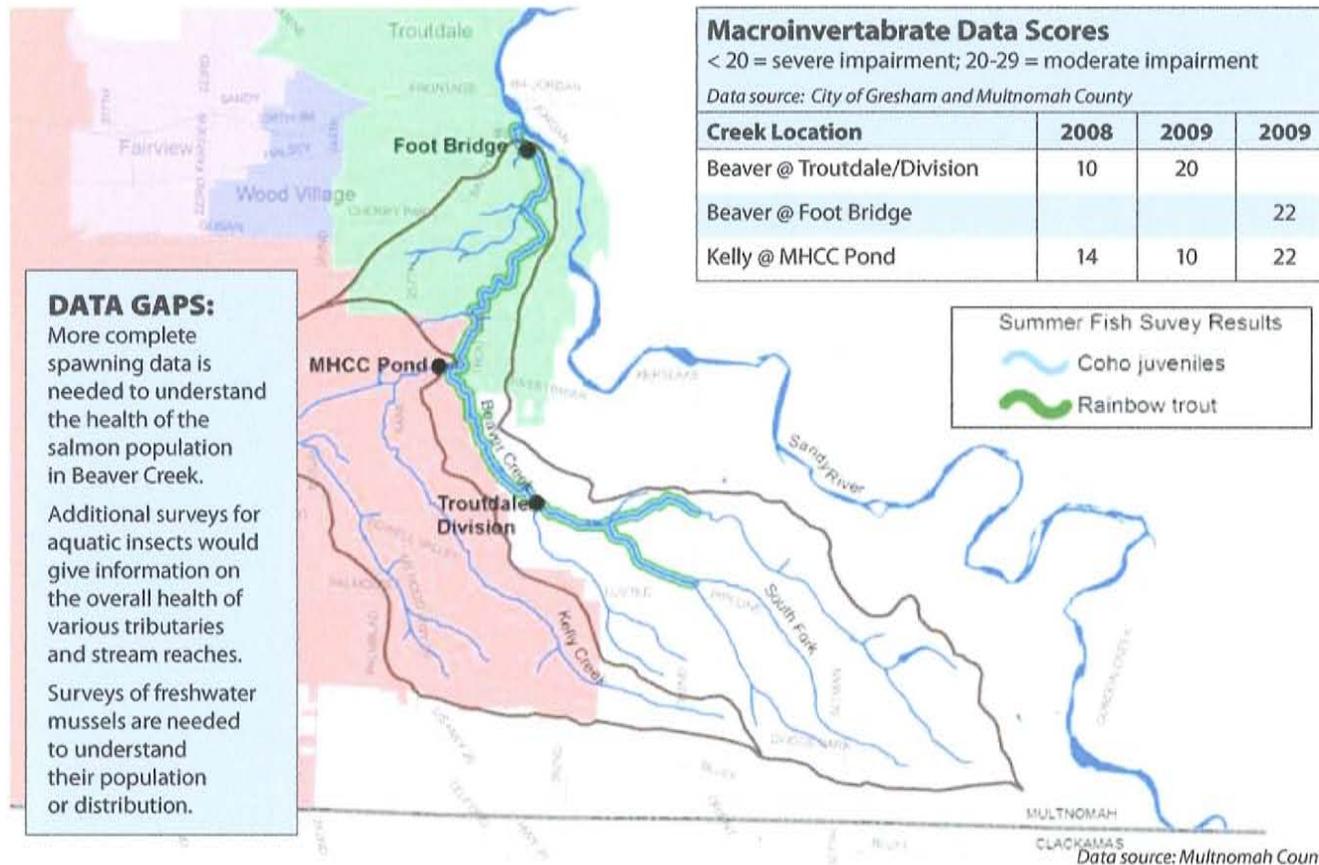
Several road culverts hamper the upstream migration of fish. The County is currently working on plans to improve the fish passage at major road crossings.



Freshwater mussels known as "Oregon floaters" are found in the lower creek. Not much is known yet about this species' presence in the stream.

Photo credit: Wild Fish Conservancy

Aquatic insects and other aquatic invertebrates are indicators of the overall water quality in a stream. Surveys of these aquatic insects conducted in 2009 and 2010 revealed very low diversity of aquatic species, indicating poor water quality. Impacts to streamside habitat along with high temperatures and excessive sediment (and associated pollutants) are common causes of low aquatic insect numbers.



For more information, please contact Julie DiLeone at [julie@emswcd.org](mailto:julie@emswcd.org) or 503-935-5360.

## Comments to METRO on September 15, 2011

I'm an astrophysicist originally from the University of Chicago.

Because the physical sciences and especially physics are difficult subjects, very few people attempt to understand them, let alone master them. This has led to a vast illiteracy in the general population, so vast that half the graduates of Harvard University cannot answer correctly even the most elementary of questions: "Why do the seasons change?" The correct answer has little to do with memorization and everything to do with curiosity and simple physical concepts.

More troubling even than the illiteracy is a complete lack of knowledge of how science works. There are no ultimate authorities and the winner is never determined by a vote. **Science proceeds on logic and evidence only.** A little Jewish man who was but a clerk in a patent office proved that in 1905. His comment that "One man can prove me wrong" showed that he completely understood how science works.

You might think that those with little or no knowledge of science would defer to those who have acquired the necessary skills. That is certainly the case in other professions like the law, medicine, or engineering. In fact, it is typically illegal to practice these professions without the requisite education and license. But in climate science, everyone seems to qualify, even those without any education in science at all.

That certainly seems to be true here today where you are moving ahead on a resolution with specific scientific content regarding carbon dioxide but without anyone (aside from me) qualified to speak to the science. As is so typical these days, you reference an organization "350" that also has no scientific expertise. It's the blind leading the blind. That's gross negligence, in my opinion.

To give you a tiny idea of the complexity you very mistakenly reduce to 350 ppmv, here is an excerpt from something I wrote a few years ago:

"Anthropogenic carbon dioxide is a minor player in the overall carbon cycle on the earth. Each year man releases about 8.5 GT of carbon into the atmosphere from the burning of coal, oil, and natural gas as well as the production of cement and breathing. Humans exhale about 0.6 GT of carbon as CO<sub>2</sub> that originated in plants.

The atmosphere as a whole contains about 780 GT of carbon; the surface of the oceans contain about 1,000 GT of carbon; vegetation and soils contain 2,000 GT of carbon; and the intermediate and deep oceans contain 38,000 GT of carbon. Each year, the ocean surface and atmosphere exchange an estimated 90 GT of carbon; vegetation and the atmosphere about 100 GT of carbon; marine biota and the ocean surface about 50 GT of carbon; and the ocean surface and the intermediate and deep oceans about 40 GT of carbon. All of these numbers are greatly larger than the human contributions, indicating that man's effects are small but not completely insignificant."

Since I'm sure that even this most basic of information is foreign to you and most are probably muttering "but the science is settled," Let me point out that a Nobel Laureate in Physics Professor Ivar

Giaever resigned from the American Physical Society two days ago in disgust over their promotion of climate hysteria. He noted that the best measurements we have show that the global temperature may have risen from about 288.0 degrees Kelvin to 288.8 degrees Kelvin in 150 years. That suggests remarkable stability on a planet that has vast oceans and atmosphere that are never in complete equilibrium. If you are muttering that Giaever must be a Republican, you would also be very wrong. He is a staunch Democrat who campaigned for Obama.

One last thought: Alarmists are touting the record hot spell in Texas this summer as proof of Global Warming. Does anyone remember our record cold spell this spring when the Pacific Northwest had the coldest spring **ever** recorded.

Thank you.

Gordon J. Fulks, PhD  
Corbett, Oregon USA

[gordonfulks@hotmail.com](mailto:gordonfulks@hotmail.com)

**From:** Ivar Giaever [giaever@biophysics.com]  
**Sent:** Tuesday, September 13, 2011 12:42 PM  
**To:** kirby@aps.org  
**Cc:** 'Robert H. Austin'; 'William Happer'; 'Larry Gould'; 'hal lewis'; 'S. Fred Singer'; Roger Cohen  
**Subject:** I resign from APS

Dear Ms. Kirby

Thank you for your letter inquiring about my membership. I did not renew it because I can not live with the statement below:

*Emissions of greenhouse gases from human activities are changing the atmosphere in ways that affect the Earth's climate. Greenhouse gases include carbon dioxide as well as methane, nitrous oxide and other gases. They are emitted from fossil fuel combustion and a range of industrial and agricultural processes.*

*The evidence is incontrovertible: Global warming is occurring.*

*If no mitigating actions are taken, significant disruptions in the Earth's physical and ecological systems, social systems, security and human health are likely to occur. We must reduce emissions of greenhouse gases beginning now.*

In the APS it is ok to discuss whether the mass of the proton changes over time and how a multi-universe behaves, but the evidence of global warming is **incontrovertible**? The claim (how can you measure the average temperature of the *whole* earth for a *whole* year?) is that the temperature has changed from ~288.0 to ~288.8 degree Kelvin in about 150 years, which (if true) means to me is that the temperature has been amazingly stable, and both human health and happiness have definitely improved in this "warming" period.

Best regards,

Ivar Giaever

Nobel Laureate 1973

PS. I included a copy to a few people in case they feel like using the information.

\*\*\*\*\*

Ivar Giaever  
185 Jordan Rd  
Troy, NY, 12180  
USA  
Phone 518 880 6860  
Fax 518 880 6865

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 11-4291, FOR THE PURPOSE OF RATIFYING THE 2011 – 2014 COLLECTIVE BARGAINING AGREEMENT BETWEEN AFSCME 3580 AND METRO.

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Date: September 1, 2011

Prepared by: Mary Rowe  
x1572

### BACKGROUND

This resolution is submitted to ratify the tentative agreement between AFSCME 3580 and Metro for the period July 1, 2011 through June 30, 2014. Total membership in AFSCME 3580 is 308 employees. This three-year agreement contains the following key economic elements:

#### I. Wages - Cost-of-Living Adjustments:

- a. Upon ratification 1.0% lump sum payment not added to base wages or as an adjustment to the wage schedule.
- b. July 1, 2012 1.25% - 2.95% , based on Consumer Price Index (CPI). Note this lowers the cost of living adjustment floor by .25% from the current contract.
- c. July 1, 2013 1.25% - 2.95% , based on CPI. Note this lowers the cost of living adjustment floor by .25% from the current contract.

#### II. Health insurance – Premium Sharing:

- a. Metro will pay 94 % of the health insurance plan costs and the employee will pay 6%.
- b. Opt out funds AFSCME has retained discretion over from the 2006-07 fiscal year to be spent down to offset the employee paid portion of the health insurance plan costs.

#### III. PERS:

- a. Employees hired July 1, 2012 and thereafter will pay the 6% employee portion of PERS.

#### IV. Additional Time Off Provisions In Exchange For Above Economic Considerations:

- a. Employees hired July 1, 2012 and thereafter will have increased vacation accruals to match those of non represented employees.
- b. If business operations allow, employees will receive the day after Thanksgiving off as an additional personal holiday. When business operations preclude an employee from taking the day after Thanksgiving off, those employees will schedule an alternative day off with the approval of their supervisor.

#### V. Seniority:

- a. Layoffs will be by department with those with lowest seniority in the impacted classification being laid off first. This better aligns with Metro's budgeting process.

### ANALYSIS/INFORMATION

1. **Known Opposition:** none

2. **Legal Antecedents:** Previously ratified AFSCME 3580-1 collective bargaining agreements.
3. **Anticipated Effects:** Metro operations will continue uninterrupted.
4. **Budget Impacts:** For the current year beginning July 1, 2011, the lump-sum COLA and the health insurance premium costs are accounted for in the 2011-2012 budget passed by Council.

#### **RECOMMENDED ACTION**

The Interim Chief Operating Officer recommends approval of the resolution.