 **Metro** | *Agenda*

Meeting: Metro Council  
Date: Thursday, Feb. 28, 2013  
Time: 2 p.m.  
Place: Metro, Council Chamber

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#### **CALL TO ORDER AND ROLL CALL**

**1. INTRODUCTIONS**

**2. CITIZEN COMMUNICATION**

**3. CONSENT AGENDA**

3.1 Consideration of the Minutes for Feb. 21, 2013

3.2 **Resolution No. 13-4414**, For the Purpose of Authorizing the Chief Operating Officer to Issue a Non-System License to Recology Portland, Inc. for Delivery of Residential Yard Debris Mixed with Food Waste From the Suttle Road Recovery Facility to Dirt Hugger, LLC Composting Facility Located in The Dalles, Oregon.

**4. ORDINANCES – SECOND READ**

4.1 **Ordinance No. 13-1297**, For the Purpose of Amending the FY 2012-13 Budget and Appropriations Schedule, Recognizing New Donations and Amending the FY 2012-13 through 2016-17 Capital Improvement Plan. **Collier**

*Public Hearing*

**5. RESOLUTIONS**

5.1 **Resolution No. 13-4415**, For the Purpose of Approving the Ice Age Tonquin Trail Master Plan. **Dirksen**

**6. CHIEF OPERATING OFFICER COMMUNICATION**

**7. COUNCILOR COMMUNICATION**

#### **ADJOURN**

**Television schedule for Feb. 28 2013 Metro Council meeting**

<p><b>Clackamas, Multnomah and Washington counties, and Vancouver, WA</b>  Channel 30 – 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> Thursday, Feb. 28</p>	<p><b>Portland</b>  Channel 30 – 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> Sunday, March 3, 7:30 p.m.  <i>Date:</i> Monday, March 4, 9 a.m.</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> Monday, March 4, 2 p.m.</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> Saturday, March 2, 11 p.m.  <i>Date:</i> Sunday, March 3, 11 p.m.  <i>Date:</i> Tuesday, March 5, 6 a.m.  <i>Date:</i> Wednesday, March 6, 4 p.m.</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. Documents for the record must be submitted to the Regional Engagement and Legislative Coordinator to be included in the meeting record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement and Legislative Coordinator. 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.

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Agenda Item No. 3.1

**Consideration of the Minutes for Feb. 21, 2013**

*Consent Agenda*

Metro Council Meeting  
Thursday, Feb. 28, 2013  
Metro, Council Chamber

Agenda Item No. 3.2

**Resolution No. 13-4414**, For the Purpose of Authorizing the Chief Operating Officer to Issue a Non-System License to Recology Portland, Inc. for Delivery of Residential Yard Debris Mixed with Food Waste From the Suttle Road Recovery Facility to Dirt Hugger, LLC Composting Facility Located in the Dalles, Oregon.

*Consent Agenda*

Metro Council Meeting  
Thursday, Feb. 28, 2013  
Metro, Council Chamber



BEFORE THE METRO COUNCIL

AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE A ) RESOLUTION NO. 13-4414  
NON-SYSTEM LICENSE TO RECOLOGY PORTLAND, INC. FOR )  
DELIVERY OF RESIDENTIAL YARD DEBRIS MIXED WITH FOOD ) Introduced by Martha J. Bennett,  
WASTE FROM THE SUTTLE ROAD RECOVERY FACILITY TO DIRT ) Chief Operating Officer, with the  
HUGGER, LLC COMPOSTING FACILITY LOCATED IN THE DALLES, ) concurrence of Tom Hughes, Council  
OREGON ) President

WHEREAS, the Metro Code requires a non-system license of any person that delivers solid waste generated from within the Metro Region to a non-system facility; and

WHEREAS, Recology Portland, Inc. has filed a complete application seeking a non-system license to deliver residential yard debris mixed with food waste from the Suttle Road Recovery Facility (SRRF) to the Dirt Hugger, LLC (Dirt Hugger) composting facility located in The Dalles, Oregon, under the provisions of Metro Code Chapter 5.05, "Solid Waste Flow Control;" and

WHEREAS, on October 21, 2011 the Chief Operating Officer issued amended Solid Waste Facility License No. L-102-11A to SRRF authorizing it to accept and reload residential yard debris mixed with food waste; and

WHEREAS, such residential yard debris mixed with food waste will be collected from the city of Portland residential curbside food waste collection program and delivered to SRRF for consolidation, reload and transport to the Dirt Hugger composting facility; and

WHEREAS, the Dirt Hugger composting facility is authorized by the Oregon Department of Environmental Quality to accept and compost food wastes that include post-consumer meat and dairy products; and

WHEREAS, Metro Code Chapter 5.05 provides that applications for non-system licenses for putrescible waste shall be reviewed by the Chief Operating Officer and are subject to approval or denial by the Metro Council; and

WHEREAS, the Chief Operating Officer has analyzed the application and considered the relevant factors under the Metro Code; and

WHEREAS, the Chief Operating Officer recommends that the non-system license be issued together with specific conditions as provided in Exhibit A to this Resolution; now therefore,

THE METRO COUNCIL RESOLVES AS FOLLOWS:

1. The non-system license application of Recology Portland, Inc. is approved subject to the terms, conditions, and limitations contained in Exhibit A to this Resolution.
2. The Chief Operating Officer is authorized to issue to Recology Portland, Inc. a non-system license substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 2013.

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

Approved as to Form:

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

**EXHIBIT A TO RESOLUTION 13-4414**

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1835 | FAX 503 813 7544



**METRO**

**METRO SOLID WASTE FACILITY  
NON-SYSTEM LICENSE**

**No. N-102-13**

<b>LICENSEE:</b>
Recology Portland, Inc. 4044 N. Suttle Road Portland, OR 97217
<b>CONTACT PERSON:</b>
Ame LeCocq Phone: (503) 285-8777 E-Mail: ALecocq@recology.com
<b>MAILING ADDRESS:</b>
4044 N. Suttle Road Portland, OR 97217

**ISSUED BY METRO:**

\_\_\_\_\_  
Scott Robinson, Deputy Chief Operating Officer

\_\_\_\_\_  
Date

<b>1</b>	<b>NATURE OF WASTE COVERED BY LICENSE</b>
	Source-separated residential yard debris mixed with food waste from municipal curbside collection programs generated within the Metro boundary and received at Suttle Road Recovery Facility in accordance with Metro Solid Waste Facility License No. L-102-11A.

<b>2</b>	<b>CALENDAR YEAR TONNAGE LIMITATION</b>
	Licensee is authorized to deliver to the non-system facility listed in Section 3 of this license up to 11,000 tons per calendar year of the waste described in Section 1 of this license.

<b>3</b>	<b>NON-SYSTEM FACILITY</b>
	<p>The Licensee hereunder is authorized to deliver the waste described above in Section 1 to the following non-system facility for the purpose of processing and composting:</p> <p style="text-align: center;">Dirt Hugger LLC        4350 River Trail Way        The Dalles, OR 97058</p> <p>This license is issued on the condition that the non-system facility listed in this section is authorized to accept the type of waste described in Section 1. If Metro receives notice from the Oregon Department of Environmental Quality or the city of The Dalles that this non-system facility is not authorized to accept such waste, Metro may immediately modify or terminate this license pursuant to Section 10 of this license.</p>

<b>4</b>	<b>TERM OF LICENSE</b>
	The term of this license will commence on March 15, 2013 and expire at midnight on June 30, 2015 unless terminated sooner under Section 10 of this license.

<b>5</b>	<b>COVERED LOADS</b>
	Licensee shall suitably contain and cover, on all sides, all loads of source-separated residential yard debris mixed with food waste that are delivered under

	authority of this license to prevent spillage of waste while in transit to the non-system facility listed in Section 3.
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<b>6</b>	<b>MATERIAL MANAGEMENT</b>
	<p>The Licensee is authorized to deliver the waste described in Section 1 of this license to the non-system facility listed in Section 3 under the following conditions:</p> <ul style="list-style-type: none"><li>(a) The non-system facility shall accept all solid waste that is delivered under authority of this license for the sole purpose of processing and composting on-site. The Licensee shall not dispose of any source-separated recyclable material, except as provided in Section 7; and</li><li>(b) The non-system facility shall receive, manage, process, and compost all solid waste that is delivered under authority of this license in accordance with all applicable local, state and federal laws, rules, regulations, ordinances, orders, and permits.</li></ul>

<b>7</b>	<b>REGIONAL SYSTEM FEE AND EXCISE TAX</b>
	<p>The Licensee shall be subject to the following conditions:</p> <ul style="list-style-type: none"><li>(a) Source-separated residential yard debris mixed with food waste that is delivered under authority of this license and is accepted and composted, in accordance with all applicable regulations, at the non-system facility listed in Section 3 is exempt from Regional System Fees and Excise Tax.</li><li>(b) If the Licensee delivers waste under this license to the non-system facility listed in Section 3 but the material does not meet the facility's acceptance criteria (for example, the material is too contaminated for processing or composting) or the non-system facility fails to process and compost the material as required as a condition of this license, the Licensee shall pay to Metro an amount equal to the Regional System Fee, as provided in Metro Code Title V, for each ton or portion thereof of waste delivered to the non-system facility that is ultimately delivered to a disposal site.</li><li>(c) If the Licensee delivers waste under this license to the non-system facility listed in Section 3 but the material does not meet the facility's acceptance criteria (for example, the material is too contaminated for processing or composting) or the non-system facility fails to process and compost the material as required as a condition of this license, the Licensee shall pay to Metro an amount equal to the Excise Tax, as provided in Metro Code Title VII, for each ton or portion thereof of waste delivered to the non-system facilities that is ultimately delivered to a disposal site.</li></ul>

<b>8</b>	<b>REPORTING OF ACCIDENTS AND CITATIONS</b>
	Licensee shall report to Metro any significant incidents (such as fires), accidents, and citations involving vehicles transporting the solid waste authorized by this license.

<b>9</b>	<b>RECORD KEEPING AND REPORTING</b>
	<p>(a) The Licensee shall keep and maintain accurate records of the amount of all solid wastes that the Licensee delivers to the non-system facility listed in Section 3 of this license. The Licensee shall keep and maintain complete and accurate records of the following for all transactions with the authorized non-system facilities:</p> <ul style="list-style-type: none"> <li>i. Ticket or weight slip number from the non-system facility;</li> <li>ii. Material category designating the type of material transferred to the non-system facility;</li> <li>iii. Date the load was transferred to the non-system facility;</li> <li>iv. Time the load was transferred to the non-system facility;</li> <li>v. Net weight of the load; and</li> <li>vi. Fee charged by the non-system facility.</li> </ul> <p>(b) No later than the fifteenth (15th) day of each month, beginning with the first month following the commencement date of this license, Licensee shall transmit the records required under Section 9(a) above, that covers the preceding month, to Metro’s Finance and Regulatory Services Department in an electronic format prescribed by Metro.</p> <p>(c) Licensee shall make all records from which Section 9(a) above are derived available to Metro (or Metro’s designated agent) for its inspection or copying, as long as Metro provides no less than three (3) business days written notice of an intent to inspect or copy documents. Licensee shall, in addition, sign or otherwise provide to Metro any consent or waiver necessary for Metro to obtain information or data from a third party, including the non-system facilities listed above in Section 3.</p>

<b>10</b>	<b>ADDITIONAL LICENSE CONDITIONS</b>
	<p>This non-system license shall be subject to the following conditions:</p> <p>(a) The permissive transfer of solid waste to the non-system facility, listed in</p>

	<p>Section 3, authorized by this license shall be subordinate to any subsequent decision by Metro to direct the solid waste described in this license to any other facility.</p> <p>(b) This license shall be subject to amendment, modification, or termination by Metro’s Chief Operating Officer (the “COO”) in the event that the COO determines that:</p> <ul style="list-style-type: none"> <li>i. There has been sufficient change in any circumstances under which Metro issued this license;</li> <li>ii. The provisions of this license are actually or potentially in conflict with any provision in Metro’s disposal contract with Waste Management Disposal Services of Oregon, Inc., dba Oregon Waste Systems, Inc;</li> <li>iii. Metro’s solid waste system or the public will benefit from, and will be better served by, an order directing that the waste described in Section 1 of this license be transferred to, and disposed of at, a facility other than the facility listed in Section 3;</li> <li>iv. The non-system facility listed in Section 3 fails to manage the waste subject to this license in accordance with the material management requirements described in Section 6; or</li> <li>v. The non-system facility listed in Section 3 generates malodors that are detectable off-site.</li> </ul> <p>(c) This license shall, in addition to subsections (b)(i) through (b)(v), above, be subject to amendment, modification, termination, or suspension pursuant to the Metro Code.</p> <p>(d) Licensee shall not transfer or assign any right or interest in this license without prior written notification to, and approval of, Metro.</p> <p>(e) This license shall be subject to modification or termination by the COO upon the execution of a designated facility agreement with a facility listed in Section 3 that authorizes the facility to accept the waste described in Section 1 of this license.</p> <p>(f) This license authorizes delivery of solid waste only to the facility listed in Section 3. Transfer of waste generated from within the Metro boundary to any non-system facility other than that specified in this license is prohibited unless authorized in writing by Metro.</p>
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<b>11</b>	<b>COMPLIANCE WITH LAW</b>
	Licensee shall fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders, and permits pertaining in any manner to this license, including all applicable Metro Code provisions and

	administrative procedures adopted pursuant to Metro Code Chapter 5.05 whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the collection and hauling of the licensee's solid waste by federal, state, regional or local governments or agencies having jurisdiction over solid waste generated by the licensee shall be deemed part of this license as if specifically set forth herein.
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<b>12</b>	<b>INDEMNIFICATION</b>
	Licensee shall defend, indemnify and hold harmless Metro, its elected officials, officers, employees, agents and representatives from any and all claims, demands, damages, causes of action, or losses and expenses, or including all attorneys' fees, whether incurred before any litigation is commenced, during any litigation or on appeal, arising out of or related in any way to the issuance or administration of this non-system license or the transport and disposal of the solid waste covered by this license.

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 13-4414 FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE A NON-SYSTEM LICENSE TO RECOLOGY PORTLAND, INC. FOR DELIVERY OF RESIDENTIAL YARD DEBRIS MIXED WITH FOOD WASTE FROM THE SUTTLE ROAD RECOVERY FACILITY TO DIRT HUGGER, LLC COMPOSTING FACILITY LOCATED IN THE DALLES, OREGON

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February 11, 2013

Prepared by: Bill Metzler  
(503) 797-1666

Approval of Resolution No. 13-4414 will authorize the Chief Operating Officer (COO) to issue a non-system license (NSL) to Recology Portland, Inc. (Recology), to annually deliver a maximum of 11,000 tons of source-separated residential yard debris mixed with food waste (residential food waste) from Suttle Road Recovery Facility (SRRF) located at 4044 North Suttle Road in Portland (Metro Council District 5) to Dirt Hugger, LLC (Dirt Hugger) composting facility located at 4350 River Trail Way in The Dalles, Oregon.

## BACKGROUND

### 1. Overview

The applicant seeks authorization to transport residential food waste generated within the Metro region to a non-system facility, Dirt Hugger, located outside of the region. Metro Code Section 5.05.025 prohibits any person from transporting solid waste to non-system facilities without an appropriate license from Metro. The proposed NSL is subject to Metro Council approval because it involves putrescible waste (food waste).

### 2. The Applicant

Recology, Inc., headquartered at 50 California Street, 24<sup>th</sup> Floor, in San Francisco California, is the parent company that owns Recology Portland, Inc. Recology, Inc. is also the contract operator for the Metro Central Transfer Station.

Recology owns and operates three material recovery facilities in the region that are licensed by Metro. They are: 1) SRRF (a material recovery and residential food waste reload facility), 2) Foster Road Recovery Facility (a material recovery facility and residential food waste reload facility), and 3) Oregon City Recovery Facility (not currently operational). In addition, Recology, Inc. owns and operates three DEQ-approved composting facilities in Oregon: 1) NW Greenlands - Aumsville, 2) NW Greenlands - McMinnville, and 3) Nature's Needs composting facility located in North Plains.

On October 21, 2011, SRRF was issued an amended Solid Waste Facility License (L-102-11A) to accept, consolidate and reload residential yard debris mixed with food waste, from the city of Portland's residential curbside collection program.

On January 29, 2013, SRRF submitted a complete application to Metro requesting authorization to transport up to 11,000 tons of residential food waste to the Dirt Hugger facility for composting. Dirt Hugger also receives Metro-area food waste from Metro Central Transfer Station under a separate contract with Recology, Inc.



## ANALYSIS/INFORMATION

### 1. Known Opposition

There is no known opposition.

### 2. Legal Antecedents

Metro Code Section 5.05.035 provides that a waste hauler may transport solid waste generated within Metro to any non-system facility only by obtaining an NSL. Metro Code further requires applications for NSLs for putrescible waste (such as residential food waste) to be reviewed by the COO and are subject to approval or denial by the Metro Council. Under Metro Code Subsection 5.05.035(c), the Council shall consider the following factors when determining whether to approve an NSL application:

- (1) *The degree to which prior users of the non-system facility and waste types accepted at the non-system facility are known and the degree to which such wastes pose a future risk of environmental contamination;*

The non-system facility identified in this proposed license is an established yard debris and food waste composting facility rather than a landfill and thus does not pose the same potential environmental risk from wastes delivered from prior users. Since the facility has accepted only wood waste, yard debris, and food waste for composting, staff is not aware of any other wastes accepted at Dirt Hugger that could pose a risk of environmental contamination. The environmental risk from the use of this non-system facility is presumed to be minimal because the facility will be fully regulated and monitored by the appropriate local and state authorities.

- (2) *The record of regulatory compliance of the non-system facility's owner and operator with federal, state and local requirements including, but not limited to, public health, safety and environmental rules and regulations;*

A compliance inspection by the Oregon DEQ in June 2012 found the facility to be in compliance with its DEQ Composting Facility Permit No. 1489, issued on June 16, 2011. Based on recent communication with the DEQ staff the Dirt Hugger composting facility operates in compliance with all federal, state, and local requirements, rules and regulations and has had no violations related to public health, safety or environmental regulations.

- (3) *The adequacy of operational practices and management controls at the non-system facility;*

Dirt Hugger will accept and compost the residential food waste under the authority of the city of The Dalles Conditional Use permit, and under authority of a Solid Waste Disposal Site Permit: Composting Facility issued by the DEQ. The DEQ permit expires on July 1, 2021.

Dirt Hugger is required by the city of The Dalles and DEQ to implement measures to control and minimize odors through site design and operations. The odor control measures include processing incoming mixed food waste feedstock in a timely manner, blending of feedstocks, good housekeeping, and monitoring moisture and temperatures of composting feedstock. More importantly, the use of a forced aeration system and a biofilter system will help control and minimize odors. The system will pull

air through the composting piles and direct the air to a biofilter consisting of organic material such as wood chips or compost covers. Biofilters are commonly used at composting facilities due to their success in effectively treating odors associated with composting.

(4) *The expected impact on the region's recycling and waste reduction efforts;*

Approval of the proposed NSL is likely to have a positive to neutral impact on the region's recycling and waste reduction efforts.

(5) *The consistency of the designation with Metro's existing contractual arrangements;*

Metro is contractually obligated to deliver a minimum of 90 percent of the region's putrescible waste that is delivered to general purpose landfills during the calendar year, to landfills owned by Metro's disposal contractor, Waste Management of Oregon. The waste subject to the proposed license will be delivered to a composting facility rather than disposed at a general-purpose landfill. In fact, Metro currently relies on its contractor at the Metro Central Transfer Station to deliver some portion of its residential food waste feedstock to the Dirt Hugger facility for composting. Thus, approval of the requested license does not conflict with Metro's disposal contract or any other of its existing contractual arrangements.

(6) *The record of the applicant regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement and with federal, state and local requirements including, but not limited to, public health, safety and environmental rules and regulations; and*

All of the Metro-regulated Recology facilities located within the Metro boundary are currently in compliance with Metro's Code and license requirements. As a solid waste hauling company, Recology Portland, Inc. has a good record of compliance with local and state agencies responsible for public health, safety, and environmental rules and regulations.

(7) *Such other factors as the Chief Operating Officer deems appropriate for purposes of making such determination.*

Reloading residential food waste at SRRF will provide additional recovery capacity which benefits the region's organics recovery program. Further, the Dirt Hugger composting facility provides another alternative for food waste composting to the region.

### **3. Anticipated Effects**

The effect of Resolution No. 13-4414 will be to issue an NSL to Recology for delivery of up to 11,000 tons per calendar year of residential food waste from SRRF to the Dirt Hugger composting facility.

This proposed NSL is one of many organics-related action items currently under consideration by Metro and other local jurisdictions which contributes to a decline in the amount of solid waste disposed in landfills. The decisions on this and other similar items will have the effect of further shrinking the pool of waste available for allocation to certain non-system licensees by increasing the availability of non-disposal options i.e. recycling and composting.

#### **4. Budget Impacts**

The residential food waste mixed with yard debris proposed to be transported under authority of this NSL is exempt from paying the Metro Regional System Fee and Excise Tax (RSF and ET). The overall impact of the city of Portland's food waste composting program has already been factored into Metro's budget.

The RSF and ET rates depend on the amount of waste that is disposed. Any waste that is diverted from the disposal stream, such as the composting of food waste, will in general increase those RSF and ET rates. Waste diversion will also affect other disposal prices (tip fees) at Metro transfer stations and other solid waste facilities due to fixed and capital costs, etc. being spread over less tonnage. The effects of these individual price changes will depend on facility-specific factors. However, the effect on the RSF and ET is universal across all ratepayers and waste disposed.

The residential yard debris mixed with food waste that will be delivered to SRRF in FY 2012-13 will mostly be tonnage diverted away from the Metro Central Transfer Station. This tonnage shift will cause a small increase in the per-ton cost of disposal for Metro's customers mainly because Metro's fixed operating costs will be spread over fewer tons. The impact of the tonnage shift away from Metro's transfer station to SRRF would decrease the Parks and Environmental Services budget in the future because Metro would no longer incur the cost of transferring, transporting, and composting the residential compostable materials diverted to SRRF. The impact of the diverted tons will be fully factored into the budget and rates for FY 2013-14.

#### **RECOMMENDED ACTION**

The COO recommends approval of Resolution No. 13-4414 finding that the license application satisfies the requirements of Metro Code Section 5.05.035, and issuance of an NSL substantially similar to the proposed NSL attached to the resolution as Exhibit A.

BM:bjl  
S:\REM\metzlerb\Recology SRRF NSL to Dirt Huggers\Staff Report NSL-xxx-13 SRRF-Dirth Hugger.docx  
Queue

Agenda Item No. 4.1

**Ordinance No. 13-1297**, For the Purpose of Amending the FY  
2012-13 Budget and Appropriations Schedule, Recognizing  
New Donations and Amending the FY 2012-13 through 2016-17  
Capital Improvement Plan.

*Ordinances – Second Reading*

Metro Council Meeting  
Thursday, Feb. 28, 2013  
Metro, Council Chamber

BEFORE THE METRO COUNCIL

AMENDING THE FY 2012-13 BUDGET AND ) ORDINANCE NO. 13-1297  
APPROPRIATIONS SCHEDULE, RECOGNIZING )  
NEW DONATIONS AND AMENDING THE FY ) Introduced by Martha Bennett, Chief  
2012-13 THROUGH 2016-17 CAPITAL ) Operating Officer, with the concurrence of  
IMPROVEMENT PLAN ) Council President Tom Hughes

WHEREAS, the Metro Council has reviewed and considered the need to increase appropriations within the FY 2012-13 Budget; and

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

WHEREAS, adequate funds exist for other identified needs; and

WHEREAS, ORS 294.463(1) provides for transfers of appropriations within a fund, including transfers from contingency that do not exceed 15 percent of a fund's appropriations, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction, and

WHEREAS, Oregon Budget Law ORS 294.338(2) allows for the expenditure in the year of receipt of grants, gifts, bequests, and other devices received by a municipal corporation in trust for a specific purpose; and

WHEREAS, \$1.2 million is transferred from the General Fund contingency to meet the terms of the new Glendoveer golf course operating agreement, which does not exceed 15% of that fund's appropriations]; and

WHEREAS, \$2.262 million in donations from the Oregon Zoo Foundation are recognized to purchase land for offsite elephant exhibit, to purchase two elephants and to make specific improvements to the Oregon Zoo campus; Now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 2012-13 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of recognizing new donations, and increasing appropriations to provide for a change in operations.
2. That the FY 2012-13 through FY 2016-17 Capital Improvement Plan is hereby amended accordingly.
3. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

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

Attest:

Approved as to Form:

\_\_\_\_\_  
Kelsey Newell, Recording Secretary

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

**Exhibit A**  
**Ordinance No. 13-1297**

ACCT	DESCRIPTION	Current		Revision		Amended	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>General Fund</b>							
<b>Total Resources</b>							
<b><u>Resources</u></b>							
<i>BEGBAL Beginning Fund Balance</i>							
	Beginning Fund Balance						
3400	* Undesignated		8,797,000		0		8,797,000
3400	* Reserved for CAP Adjustments		731,194		0		731,194
3261	* Prior period adjustment: TOD		2,060,195		0		2,060,195
3400	* Project Carryover		426,597		0		426,597
3400	* Reserve for Future One-Time Expenditures		1,313,255		0		1,313,255
3303	* Reserved for Local Gov't Grants (CET)		3,342,369		0		3,342,369
3403	* Reserve for Future Debt Service		2,682,093		0		2,682,093
3400	* Reserved for Metro Export Initiative		75,000		0		75,000
3405	* Reserved for Community Investment Initiat		1,072,000		0		1,072,000
3400	* Reserved for Future Planning Needs		502,546		0		502,546
3400	* Reserved for Nature in Neighborhood Gran		147,234		0		147,234
3400	* Reserve for Future Natural Areas Operatio		204,460		0		204,460
3415	* Prior year PERS Reserve		6,267,764		0		6,267,764
	<i>Subtotal Beginning Fund Balance</i>		<i>27,621,707</i>		<i>0</i>		<i>27,621,707</i>
<b><u>General Revenues</u></b>							
<i>EXCISE Excise Tax</i>							
4050	Excise Taxes		15,639,971		0		15,639,971
4055	Construction Excise Tax		1,760,000		0		1,760,000
<i>RPTAX Real Property Taxes</i>							
4010	Real Property Taxes-Current Yr		11,729,132		0		11,729,132
4015	Real Property Taxes-Prior Yrs		352,000		0		352,000
<i>INTRST Interest Earnings</i>							
4700	Interest on Investments		31,000		0		31,000
	<i>Subtotal General Revenues</i>		<i>29,512,103</i>		<i>0</i>		<i>29,512,103</i>
<b><u>Department Revenues</u></b>							
<i>GRANTS Grants</i>							
4100	Federal Grants - Direct		2,859,471		0		2,859,471
4105	Federal Grants - Indirect		4,941,774		0		4,941,774
4110	State Grants - Direct		763,970		0		763,970
4120	Local Grants - Direct		2,227,743		0		2,227,743
<i>LGSHRE Local Gov't Share Revenues</i>							
4135	Marine Board Fuel Tax		69,201		0		69,201
4139	Other Local Govt Shared Rev.		469,886		0		469,886
<i>GVCNTB Contributions from Governments</i>							
4145	Government Contributions		2,929,628		0		2,929,628
4150	Contractor's Business License		380,000		0		380,000
<i>CHGSVC Charges for Service</i>							
4165	Boat Launch Fees		158,622		0		158,622
4180	Contract & Professional Service		594,837		0		594,837
4230	Product Sales		164,558		0		164,558
4280	Grave Openings		257,524		0		257,524
4285	Grave Sales		240,728		0		240,728
4500	Admission Fees		6,597,002		0		6,597,002
4501	Conservation Surcharge		144,900		0		144,900
4502	Admission Fees - Memberships		1,773,100		0		1,773,100
4503	Admission Fees - Special Concerts		1,405,152		0		1,405,152

**Exhibit A**  
**Ordinance No. 13-1297**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>General Fund</b>							
<b>Total Resources</b>							
4510	Rentals		768,552		0		768,552
4550	Food Service Revenue		5,637,726		0		5,637,726
4560	Retail Sales		2,270,408		0		2,270,408
4580	Utility Services		2,056		0		2,056
4610	Contract Revenue		686,095		1,370,000		2,056,095
4620	Parking Fees		931,960		0		931,960
4630	Tuition and Lectures		1,105,784		0		1,105,784
4635	Exhibit Shows		381,200		0		381,200
4640	Railroad Rides		729,330		0		729,330
4645	Reimbursed Services		257,600		0		257,600
4650	Miscellaneous Charges for Service		15,075		0		15,075
4760	Sponsorships		260,282		0		260,282
<i>DONAT</i>	<i>Contributions from Private Sources</i>						
4750	Donations and Bequests		500,927		400,000		900,927
<i>MISCRV</i>	<i>Miscellaneous Revenue</i>						
4170	Fines and Forfeits		25,000		0		25,000
4890	Miscellaneous Revenue		148,881		0		148,881
<i>LOANRV</i>	<i>Interfund Loan - Resource</i>						
4960	Interfund Loan - Principal						
	* from MERC Fund		220,000		0		220,000
4965	Interfund Loan - Interest						
	* from MERC Fund		11,000		0		11,000
<i>EQTREV</i>	<i>Fund Equity Transfers</i>						
4970	Transfer of Resources						
	* from Risk Management Fund		295,207		0		295,207
<i>INDTRV</i>	<i>Interfund Reimbursements</i>						
4975	Transfer for Indirect Costs						
	* from MERC Operating Fund		2,498,424		0		2,498,424
	* from Zoo Bond Fund		288,252		0		288,252
	* from Natural Areas Fund		1,280,235		0		1,280,235
	* from Solid Waste Revenue Fund		4,524,896		0		4,524,896
<i>INTSRV</i>	<i>Internal Service Transfers</i>						
4980	Transfer for Direct Costs						
	* from Zoo Bond Fund		1,638		0		1,638
	* from MERC Operating Fund		161,056		0		161,056
	* from Natural Areas Fund		492,945		0		492,945
	* from Smith & Bybee Lakes Fund		104,841		0		104,841
	* from Solid Waste Revenue Fund		3,284,623		0		3,284,623
<i>Subtotal Department Revenues</i>			<i>52,862,089</i>		<i>1,770,000</i>		<i>54,632,089</i>
<b>TOTAL CURRENT YEAR REVENUES</b>			<b>\$82,374,192</b>		<b>\$1,770,000</b>		<b>\$84,144,192</b>
<b>TOTAL RESOURCES</b>			<b>\$109,995,899</b>		<b>\$1,770,000</b>		<b>\$111,765,899</b>



**Exhibit A**  
**Ordinance No. 13-1297**

ACCT	DESCRIPTION	Current		Revision		Amended	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>General Fund</b>							
<b>Oregon Zoo</b>							
<b>Total Personnel Services</b>		<b>163.70</b>	<b>\$18,639,755</b>	<b>0.00</b>	<b>\$0</b>	<b>163.70</b>	<b>\$18,639,755</b>
<b><u>Materials &amp; Services</u></b>							
<i>GOODS Goods</i>							
	5201 Office Supplies		137,846		0		137,846
	5205 Operating Supplies		1,380,216		0		1,380,216
	5210 Subscriptions and Dues		71,330		0		71,330
	5214 Fuels and Lubricants		94,500		0		94,500
	5215 Maintenance & Repairs Supplies		368,664		0		368,664
	5220 Food		1,351,820		0		1,351,820
<i>SVCS Services</i>							
	5240 Contracted Professional Svcs		2,485,673		0		2,485,673
	5246 Sponsorships		500		0		500
	5251 Utility Services		2,351,552		0		2,351,552
	5255 Cleaning Services		49,600		0		49,600
	5260 Maintenance & Repair Services		554,800		0		554,800
	5265 Rentals		192,400		0		192,400
	5280 Other Purchased Services		1,052,184		0		1,052,184
	5290 Operations Contracts		1,695,084		0		1,695,084
<i>IGEXP Intergov't Expenditures</i>							
	5300 Payments to Other Agencies		88,281		0		88,281
<i>OTHEXP Other Expenditures</i>							
	5445 Grants		85,000		0		85,000
	5450 Travel		127,348		0		127,348
	5455 Staff Development		59,218		0		59,218
	5490 Miscellaneous Expenditures		41,740		400,000		441,740
<b>Total Materials &amp; Services</b>			<b>\$12,187,756</b>		<b>\$400,000</b>		<b>\$12,587,756</b>
<b>TOTAL REQUIREMENTS</b>		<b>163.70</b>	<b>\$30,827,511</b>	<b>0.00</b>	<b>\$400,000</b>	<b>163.70</b>	<b>\$31,227,511</b>

**Exhibit A**  
**Ordinance No. 13-1397**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>General Fund</b>							
<b>Parks &amp; Environmental Services</b>							
<u>Personnel Services</u>							
<b>Total Personnel Services</b>		<b>38.10</b>	<b>\$3,896,327</b>	<b>0.00</b>	<b>\$0</b>	<b>38.10</b>	<b>\$3,896,327</b>
<u>Materials &amp; Services</u>							
<i>GOODS Goods</i>							
	5201 Office Supplies		106,756		0		106,756
	5205 Operating Supplies		126,751		0		126,751
	5210 Subscriptions and Dues		6,129		0		6,129
	5214 Fuels and Lubricants		73,026		0		73,026
	5215 Maintenance & Repairs Supplies		201,652		0		201,652
	5225 Retail		13,000		0		13,000
<i>SVCS Services</i>							
	5240 Contracted Professional Svcs		675,849		0		675,849
	5250 Contracted Property Services		147,081		0		147,081
	5251 Utility Services		431,068		0		431,068
	5255 Cleaning Services		169,886		0		169,886
	5260 Maintenance & Repair Services		353,309		0		353,309
	5265 Rentals		59,845		0		59,845
	5280 Other Purchased Services		61,585		0		61,585
	5290 Operations Contracts		0		1,200,000		1,200,000
<i>IGEXP Intergov't Expenditures</i>							
	5300 Payments to Other Agencies		116,347		0		116,347
	5310 Taxes (Non-Payroll)		263,556		0		263,556
<i>OTHEXP Other Expenditures</i>							
	5450 Travel		5,290		0		5,290
	5455 Staff Development		33,412		0		33,412
<b>Total Materials &amp; Services</b>			<b>\$2,844,542</b>		<b>\$1,200,000</b>		<b>\$4,044,542</b>
<b>TOTAL REQUIREMENTS</b>		<b>38.10</b>	<b>\$6,740,869</b>	<b>0.00</b>	<b>\$1,200,000</b>	<b>38.10</b>	<b>\$7,940,869</b>

**Exhibit A**  
**Ordinance No. 13-1297**

ACCT	DESCRIPTION	Current		Revision		Amended	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>General Fund</b>							
<b>General Expenses</b>							
<b>Total Interfund Transfers</b>			<b>\$7,764,625</b>		<b>\$0</b>		<b>\$7,764,625</b>
<b><u>Contingency &amp; Unappropriated Balance</u></b>							
CONT	Contingency						
5999	Contingency						
	* Contingency		2,843,219		(1,200,000)		1,643,219
	* Opportunity Account		206,100		0		206,100
	* Reserved for Streetcar LID		0		0		0
UNAPP	Unappropriated Fund Balance						
5990	Unappropriated Fund Balance						
	* Stabilization Reserve		2,430,861		0		2,430,861
	* Undesignated		266,574		1,370,000		1,636,574
	* PERS Reserve		4,613,474		0		4,613,474
	* Project Carryover		0		0		0
	* Other Planning Department Carryover		0		0		0
	* Reserve for Future One-Time Expenditures		1,758,931		0		1,758,931
	* Reserved for Community Invest. Initiative		393,000		0		393,000
	* Reserved for Future Natural Areas Oper.		0		0		0
	* Reserved for TOD		0		0		0
	* Reserved for Local Gov't Grants (CET)		2,128,369		0		2,128,369
	* Reserved for Cost Allocation Adjustments		382,035		0		382,035
	* Reserved for Future Planning Needs		72,438		0		72,438
	* Reserved for Equity Project		67,027		0		67,027
	* Reserved for Nature in Neighborhood Grants		0		0		0
	* Reserved for Metro Export Initiative		50,000		0		50,000
	* Reserved for Capital		26,000		0		26,000
	* Reserved for Active Transportation		0		0		0
	* Reserved for Web Project		225,005		0		225,005
	* Reserve for Future Debt Service		639,414		0		639,414
<b>Total Contingency &amp; Unappropriated Balance</b>			<b>\$16,102,447</b>		<b>\$170,000</b>		<b>\$16,272,447</b>
<b>TOTAL REQUIREMENTS</b>		<b>451.89</b>	<b>\$109,995,899</b>	<b>0.00</b>	<b>\$1,770,000</b>	<b>451.89</b>	<b>\$111,765,899</b>

**Exhibit A**  
**Ordinance No. 13-1297**

ACCT	DESCRIPTION	Current		Revision		Amended	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>General Asset Management Fund</b>							
<b>General Asset Management Fund</b>							
<b><u>Resources</u></b>							
BEGBAL	Beginning Fund Balance						
3205	Restricted for Capital		1,410,778		0		1,410,778
3400	Unassigned Balance		5,155,469		0		5,155,469
3500	Assigned Balance		491,800		0		491,800
GRANTS	Grants						
4100	Federal Grants-Direct		800,000		0		800,000
4110	State Grants-Direct		233,900		0		233,900
INTRST	Interest Earnings						
4700	Interest on Investments		27,800		0		27,800
DONAT	Contributions from Private Sources						
4750	Donations and Bequests		30,000		0		30,000
CAPGRT	Capital Contributions & Donations						
4755	Capital Contributions & Donations		0		1,862,254		1,862,254
MISCRV	Miscellaneous Revenue						
4890	Miscellaneous Revenue		6,320		0		6,320
EQTREV	Fund Equity Transfers						
4970	Transfer of Resources						
	* from Solid Waste Revenue Fund		54,200		0		54,200
	* from General Fund (Regional Parks)		329,400		0		329,400
	* from General Fund-IT R&R		303,100		0		303,100
	* from General Fund-MRC R&R		288,000		0		288,000
	* from General Fund-Gen'l R&R		661,000		0		661,000
	* from General Fund		781,000		0		781,000
<b>TOTAL RESOURCES</b>			<b>\$10,572,767</b>		<b>\$1,862,254</b>		<b>\$12,435,021</b>
<b><u>Materials &amp; Services</u></b>							
GOODS	Goods						
5201	Office Supplies		5,647		0		5,647
CAPMNT	Capital Maintenance						
5261	Capital Maintenance - CIP		80,000		0		80,000
5262	Capital Maintenance - Non-CIP		82,996		0		82,996
<b>Total Materials &amp; Services</b>			<b>\$168,643</b>		<b>\$0</b>		<b>\$168,643</b>
<b><u>Capital Outlay</u></b>							
5700	Land		0		1,000,000		1,000,000
5710	Improve-Oth thn Bldg		2,778,392		400,000		3,178,392
5720	Buildings & Related		645,464		300,000		945,464
5730	Exhibits and Related		740,675		72,254		812,929
5740	Equipment & Vehicles		286,715		90,000		376,715
5745	Licensed Vehicles		263,333		0		263,333
5750	Office Furniture & Equip		901,170		0		901,170
5760	Railroad Equip & Facil		73,152		0		73,152
5790	Intangible Assets		120,000		0		120,000
<b>Total Capital Outlay</b>			<b>\$5,808,901</b>		<b>\$1,862,254</b>		<b>\$7,671,155</b>
<b>Subtotal Appropriations</b>			<b>\$5,977,544</b>		<b>\$1,862,254</b>		<b>\$7,839,798</b>

**Exhibit A**  
**Ordinance No. 13-1297**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>General Asset Management Fund</b>							
<b><u>Interfund Transfers</u></b>							
<i>EQTCHG</i>	<i>Fund Equity Transfers</i>						
5810	Transfer of Resources						
	* to Natural Areas Fund		19,681		0		19,681
<b>Total Interfund Transfers</b>			<b>\$19,681</b>		<b>\$0</b>		<b>\$19,681</b>
<b><u>Contingency &amp; Unappropriated Balance</u></b>							
<i>CONT</i>	<i>Contingency</i>						
5999	Contingency						
	* Contingency		4,369,222		0		4,369,222
<i>UNAPP</i>	<i>Unappropriated Fund Balance</i>						
5990	Unappropriated Fund Balance						
	* Oregon Zoo Projects Account		206,320		0		206,320
<b>Total Contingency &amp; Unappropriated Balance</b>			<b>\$4,575,542</b>		<b>\$0</b>		<b>\$4,575,542</b>
<b>TOTAL REQUIREMENTS</b>		<b>0.00</b>	<b>\$10,572,767</b>	<b>-</b>	<b>\$1,862,254</b>	<b>0.00</b>	<b>\$12,435,021</b>

**Exhibit B**  
**Ordinance 13-1297**  
**Schedule of Appropriations**

	<b><u>Current</u></b>	<b><u>Revision</u></b>	<b><u>Revised</u></b>
	<b><u>Appropriation</u></b>		<b><u>Appropriation</u></b>
<b>GENERAL FUND</b>			
Communications	2,597,325	0	2,597,325
Council Office	4,155,240	0	4,155,240
Finance & Regulatory Services	4,170,619	0	4,170,619
Human Resources	2,134,833	0	2,134,833
Information Services	3,586,823	0	3,586,823
Metro Auditor	717,764	0	717,764
Office of Metro Attorney	1,913,205	0	1,913,205
Oregon Zoo	30,827,511	400,000	31,227,511
Parks & Environmental Services	6,740,869	1,200,000	7,940,869
Planning and Development	14,456,370	0	14,456,370
Research Center	3,945,655	0	3,945,655
Sustainability Center	4,332,136	0	4,332,136
Former ORS 197.352 Claims & Judgments	0	0	0
Special Appropriations	4,896,187	0	4,896,187
Non-Departmental			
Debt Service	1,654,290	0	1,654,290
Interfund Transfers	7,764,625	0	7,764,625
Contingency	3,049,319	(1,200,000)	1,849,319
<i>Total Appropriations</i>	96,942,771	400,000	97,342,771
Unappropriated Balance	13,053,128	1,370,000	14,423,128
<b>Total Fund Requirements</b>	<b>\$109,995,899</b>	<b>\$1,770,000</b>	<b>\$111,765,899</b>
<b>GENERAL ASSET MANAGEMENT FUND</b>			
Asset Management Program	5,977,544	1,862,254	7,839,798
Non-Departmental			
Interfund Transfers	19,681	0	19,681
Contingency	4,369,222	0	4,369,222
<i>Total Appropriations</i>	10,366,447	1,862,254	12,228,701
Unappropriated Balance	206,320	0	206,320
<b>Total Fund Requirements</b>	<b>\$10,572,767</b>	<b>\$1,862,254</b>	<b>\$12,435,021</b>

*All other appropriations remain as previously adopted*

## STAFF REPORT

### FOR THE PURPOSE OF AMENDING THE FY 2012-13 BUDGET AND APPROPRIATIONS SCHEDULE, RECOGNIZING NEW DONATIONS AND AMENDING THE FY 2012-13 THROUGH 2016-17 CAPITAL IMPROVEMENT PLAN

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Date: February 12, 2013

Prepared by: Kathy Rutkowski 503-797-1630

#### BACKGROUND

The following items have been identified as necessitating an amendment to the budget.

##### Glendoveer Golf Course Operating Contract

Effective January 1, 2013, Metro has contracted with a new operator for the Glendoveer Golf Course. Under the previous contract, the operator only remitted net revenues owed to Metro under the contract. The new contract is consistent with Metro's other concession-style agreements where Metro receives gross revenues and remits payment for approved expenses to the operator. This change in the type of agreement necessitates a budget amendment to recognize increased expenditures for the remainder of the fiscal year.

Staff estimates that expenditures for the remainder of the fiscal year will be no more than \$1,200,000. Those expenditures include operating expenses for the course, management fees, and startup costs related to the operator transition. Although this request will be funded from General Fund Contingency, staff anticipates receiving approximately \$1,370,000 in revenue during the same time period. Oregon Budget Law does not allow the direct appropriation of this new revenue without the benefit of a supplemental budget. This action acknowledges receipt of the revenue and places it in unappropriated in the General Fund to reimburse the contingency at year end. Net revenues from Glendoveer Golf Course are expected to meet budget targets for FY 2012-13

##### Oregon Zoo Foundation Donation

The Oregon Zoo received several generous donations from the Oregon Zoo Foundation totaling \$2.262 million in January 2013. The donations were not anticipated when the fiscal year 2012-13 budget was adopted. This action requests the recognition of the donated revenue and an increase expenditure authority to fulfill the donation's restrictions. It also amends the FY 2012-13 through FY 2016-17 Capital Improvement Plan as needed.

1. The first is a capital donation of \$1.4 million restricted to 2008 bond program projects. This is the first contribution from the Foundation to fulfill their \$5.2 million fundraising commitment to support the Oregon Zoo 2008 Bond Implementation Plan. The foundation's remaining commitment to the Bond Implementation Plan projects is \$3.8 million.

Approximately \$1 million of this donation will be used to purchase and acquire real property for a Remote Elephant Center. The Bond Implementation Plan contains this project with a \$7.2 million set-aside of funds for property acquisition and improvements. In December 2012, the Metro Council authorized the purchase of the Roslyn Lake Property via Resolution No. 12-4400. It is anticipated that some portion of the remaining \$400,000 will be necessary to secure and protect the property with fencing or other minor improvements while it is held pending future development as a Remote

Elephant Center. To the extent funds remain after securing and protecting the property, the funds are restricted to Bond Implementation Plan project improvements.

2. The second is a capital donation totaling \$462,254 restricted to zoo campus capital needs. The zoo has identified five projects or items totaling this amount. The projects or items are:
  - i. Modifications to the zoo's commissary. Improvements are needed to the walk-in cooler and freezer, as well as storage and handling areas. These improvements are estimated at \$200,000.
  - ii. Complete a pre-schematic design to renovate of the zoo's concert stage and support facilities. The current stage size, alignment and configuration are outdated and inefficient. Touring musicians require industry standard facilities to support stage riggings, dressing rooms, breaks and meals which the current zoo facilities struggle to meet. The concert series provides important earned revenue to the zoo. To maintain the zoo's cherished and successful summer concert series, improvements are needed. The estimate to complete a pre-schematic facility design is \$100,000.
  - iii. Modify a chimpanzee holding and management area to increase the area's flexibility and usefulness, and to improve the safety of animal introductions and care. The estimate to complete the work is \$72,254.
  - iv. Acquisition of towable trailers to store and transport campus catering tables, chairs, awnings and associated equipment. Current catering storage will be displaced by the upcoming Elephant Lands bond project and rather than replace the storage with buildings in new locations the zoo would prefer to use portable trailers for storage. This provides greater flexibility and reduces the handling of equipment. The estimate to acquire trailers is \$60,000.
  - v. Acquisition of a box-van vehicle to distribute and supply campus food service facilities from the zoo's central receiving and storage facilities. This item is estimated at \$30,000.
3. The third is an operating fund donation of \$400,000 restricted to the purchase of elephants. The zoo has negotiated the purchase of two elephants from a private party for \$400,000. The Oregon Zoo Foundation is generously donating money to fund the acquisition.

Oregon Zoo Conservation Discovery Zone (CIP amendment only)

The 2008 Zoo Infrastructure and Animal Welfare Bond Measure 26-96 includes a project to improve conservation education by adding dedicated space for education opportunities including, classes, camps, exhibits, presentations and hands-on learning. Conservation Discovery Zone is the working title for the project. The Comprehensive Capital Master Planning work completed in 2011 and approved by the Metro Council located the Conservation Discovery Zone at the original zoo entrance adjacent to the current zoo administration building. This location provides street access for camp, class and visitor drop-off and pick-up. To make way for the new building, the existing Tiger Terrace buildings and improvements will be demolished.

The adopted capital improvement plan budget for the Conservation Discovery Zone project is \$14.1 million. The current bond program schedule forecasts design starting in January 2014. Construction is forecast to begin in January 2015 with a May 2017 completion date (all dates subject to change as the project progresses).

The zoo identified an opportunity to demolish the Tiger Plaza area ahead of the Conservation Discovery Zone project construction to create an interim flat, open air guest space. This opportunity is particularly important because it creates an interim space for picnics and outdoor catered events that help to generate



zoo operating revenue. The upcoming Elephant Lands construction project will impact and displace much of the zoo's existing picnic and outdoor catering event space adjacent to the concert lawn until that project is complete and the renewed space opened. The forecast design, permit and construction costs are estimated at \$850,000 and the demolition work is expected to be completed by June 2013.

This action modifies the current Capital Improvement Plan to authorize this early demolition work in the current year. The budget and overall design and construction schedules for the Conservation Discovery Zone remain the same. The current appropriation authority in the Oregon Zoo Infrastructure and Animal Welfare Fund is sufficient to cover this request. No addition appropriation authority is requested at this time.

## **ANALYSIS/INFORMATION**

- 1. Known Opposition:** None known.
- 2. Legal Antecedents:** ORS 294.463(1) provides for transfers of appropriations within a fund, including transfers from contingency that do not exceed 15 percent of a fund's appropriation, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction. ORS 294.463(3) provides for transfers of appropriations or of appropriations and a like amount of budget resources between funds of the municipal corporation when authorized by an official resolution or ordinance of the governing body stating the need for the transfer. ORS 294.338(2) allows for the expenditure in the year of receipt of grants, gifts, bequests, and other devices received by a municipal corporation in trust for a specific purpose. Metro's adopted financial policies require any project exceeding \$100,000 or an existing CIP project increasing greater than 20 percent to receive Council approval.
- 3. Anticipated Effects:** This action provides changes to operations and capital as described above; implements the terms of the new operating agreement for Glendoveer Golf Course acknowledging \$1.37 million in anticipated revenue and \$1.2 million in contractual expense; and recognizes \$2.262 million in donations from the Oregon Zoo Foundation and increases appropriation authority for the Oregon Zoo in accordance with the restricted terms of the donations.
- 4. Budget Impacts:** This action has the following impact on the FY 2012-13 budget:
  - Transfers \$1.2 million from the General Fund contingency to Parks and Environmental Services to provide appropriation authority to meet the terms of the new Glendoveer Golf Course operating agreement;
  - Recognizes \$1.37 million in new contractual revenue associated with Glendoveer Golf Course placing the new revenue in unappropriated balance to reimburse the General Fund contingency at year end;
  - Recognizes \$2.262 million in donations from the Oregon Zoo Foundation - \$400,000 in the General Fund and \$1.862 in the Oregon Zoo Account of the General Asset Management Fund;
  - Provides an additional \$400,000 in appropriation authority in the General Fund Oregon Zoo Operating Account for the purchase of two elephants;
  - Increases appropriation authority in the General Asset Management fund Oregon Zoo Account by \$1.4 million for the purchase, acquisition, and stabilization of the real property for a remote elephant center;

- Provides an additional \$462,254 in capital appropriation for the Oregon Zoo for improvements or acquisitions related to Zoo campus needs and amends the five year capital improvement plan as necessary.
- Amends the Capital Improvement Plan to allow work on the Conservation Discovery Zone to begin sooner than originally anticipated.

### **RECOMMENDED ACTION**

The Chief Operating Office recommends adoption of this Ordinance.

Agenda Item No. 5.1

**Resolution No. 13-4415**, For the Purpose of Approving the  
Ice Age Tonquin Trail Master Plan.

Metro Council Meeting  
Thursday, Feb. 28, 2013  
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE ICE ) RESOLUTION NO. 13-4415  
AGE TONQUIN TRAIL MASTER PLAN )  
) Introduced by Councilor Craig Dirksen

WHEREAS, on July 23, 1992, the Metro Council adopted Resolution No. 92-1637, “For the Purpose of Considering Adoption of the Metropolitan Greenspaces Master Plan”, which included the Regional Trails and Greenways Map (amended December 1992, July 2002 and October 2008); and

WHEREAS, the 1992 Metropolitan Greenspaces Master Plan and Regional Trails and Greenways Map identified the Tonquin Trail as a regionally significant trail connecting the Willamette and Tualatin rivers and the cities of Wilsonville, Sherwood and Tualatin in Clackamas and Washington counties; and

WHEREAS, in May 1995 area voters approved ballot Measure 26-26, authorizing Metro to issue \$135.6 million for bonds for Open Spaces, Parks and Streams to purchase land in regional target areas including the Tonquin Geologic Area target area; and

WHEREAS, using 1995 bond measure funds, Metro acquired approximately 500 acres of natural areas in the Tonquin Geologic Area target area, including land where the Graham Oaks Nature Park and Coffee Lake Creek natural area exist today, and laying the foundation for the future Tonquin Trail; and

WHEREAS, on November 7, 2006, voters approved Metro’s Natural Areas Bond Measure, authorizing Metro to issue \$227.4 million for bonds to purchase land in 27 regional target areas, including the Tonquin Geologic Area; and

WHEREAS, on September 10, 2007, the Metro Council adopted Resolution No. 07-3850 approving the Tonquin Geologic Area target area refinement plan and confidential tax lot specific map, which highlighted acquisition priorities on properties with unique geologic formations formed in the last Ice Age floods and properties needed for the Tonquin Trail; and

WHEREAS, in 2005, Metro, in partnership with the cities of Wilsonville and Sherwood, applied for and was awarded a planning grant from Metro’s Metropolitan Transportation Improvements Program to retain a consultant service to conduct the Tonquin Trail master planning process; and

WHEREAS, a Tonquin Trail project steering committee was created in 2009 and included staff and citizens from the cities of Wilsonville, Sherwood and Tualatin and Washington and Clackamas counties, and technical experts from Clean Water Services and the Oregon Department of Transportation, to advise Metro and the consultant team throughout the master planning work; and

WHEREAS, Metro and its partners conducted extensive public involvement throughout the master planning process in order to identify a trail alignment and design that is widely supported by the trail partner jurisdictions and residents throughout the trail study area; and

WHEREAS, based on letters of support from the trail partner jurisdictions, the trail is now referred to as the Ice Age Tonquin Trail, to reinforce its connection to the federally designated Ice Age Floods National Geologic Trail and allow for the potential of applying for related funding; and

WHEREAS, the project steering committee reviewed and unanimously approved the Ice Age Tonquin Trail Master Plan (the “Master Plan”); and

WHEREAS, the updated confidential tax lot specific map for the Tonquin Geologic Area target area was signed by Metro Council President Hughes on February 26, 2013 and added the properties necessary to implement the Master Plan; and

WHEREAS, approval of the Master Plan will allow Metro staff and other jurisdictions to begin trail acquisition work in earnest; and

WHEREAS, it is anticipated that the cities of Tualatin, Sherwood and Wilsonville, as well as Washington County will approve the Master Plan and that those jurisdictions and Clackamas County will subsequently include the new alignment in their transportation system plans; and

WHEREAS, it is anticipated that the Metro Council’s approval of the Master Plan would allow for inclusion of the new alignment in the 2035 Regional Transportation Plan; now therefore

BE IT RESOLVED that the Metro Council hereby approves the Ice Age Tonquin Trail Master Plan, attached hereto as Exhibit A, and the updated confidential tax lot specific map for the Tonquin Geologic Area target area signed by Metro Council President Hughes on February 26, 2013.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 2013.

---

Tom Hughes, Council President

Approved as to Form:

---

Alison Kean Campbell, Metro Attorney

[CLICK HERE FOR FULL REPORT](#)

# Ice Age Tonquin Trail

Connecting the cities of Wilsonville, Tualatin,  
and Sherwood in Oregon



February 2013

Project partners:

Metro, City of Wilsonville, City of Tualatin, City of Sherwood,  
Clackamas County, and Washington County

## Acknowledgments

The Ice Age Tonquin Trail Master Plan project team appreciates the efforts of local partners, stakeholders, and residents who participated in the development of this plan. Their creativity, energy, and commitment to the future of the Ice Age Tonquin Trail were the driving force behind this master planning effort. In addition, the following project steering committee and project team members contributed regularly to the development of this plan.

### Project Steering Committee

Hal Ballard – Washington County citizen  
bicycle advocate

Ronald Kroop – Oregon Department of  
Transportation

Connie Ledbetter – Tualatin resident

Al Levit – Wilsonville resident

Lori Mastrantonio – Clackamas County

Michelle Miller – City of Sherwood

Chris Neamtzu – City of Wilsonville

Jeff Owen – City of Wilsonville

Damon Reische\* – Clean Water Services

Stephen Shane – Washington County

Brian Stecher – Sherwood resident

Carl Switzer – City of Tualatin

Aisha Willits – Washington County

*\*Technical advisor/non-voting member*

### Project Team

#### Metro

Jane Hart, Master Plan Project Manager

Mary Anne Cassin, Parks Planning and  
Development Manager

Kathleen Brennan-Hunter, Natural Areas  
Program Manager

Fritz Paulus, Real Estate Negotiator

Heather Coston, Communications Associate

Laura Odom, Communications Coordinator

Marlon Warren, Graphic Designer

Curt Zonick, Natural Resource Scientist

Anthony Butzek, Principal Transportation  
Engineer

#### Alta Planning + Design

George Hudson, Principal

Rory Renfro, Associate

Elliot Akwai-Scott, Planner

Mary Stewart, Senior Designer

Anne Bothner-By, Graphic Designer

#### CH2M HILL

Kristin Hull, Project Manager

#### Howell Consulting

Leslie Howell

# Contents

<b>Executive Summary .....</b>	<b>1</b>
<b>Chapter 1: Introduction .....</b>	<b>5</b>
Trail Context .....	5
Purpose, Goals, and Process .....	10
<b>Chapter 2: Existing Conditions .....</b>	<b>17</b>
Land Use and Transportation Connections .....	17
Natural Environment.....	23
<b>Chapter 3: Trail Segment Options Analysis and Preferred Trail Alignment .....</b>	<b>25</b>
Segment Options Analysis.....	25
Preferred Trail Alignment.....	25
<b>Chapter 4: Trail Design Guidelines.....</b>	<b>71</b>
Overview.....	71
Off-Street Facilities.....	73
On-Street Facilities .....	75
Trail-Roadway Intersections.....	77
Special Design Requirements .....	82
Trail-Related Facilities.....	83
Trail Signage.....	85
Environmentally Sensitive Trail Design .....	88
<b>Chapter 5: Implementation.....</b>	<b>95</b>
Introduction.....	95
Responsibilities and Partnerships .....	95
Land Use Approvals and Regulatory Requirements.....	103
Cost Estimates, Phasing, and Funding .....	104
<b>Chapter 6: Maintenance, Management, and Operations .....</b>	<b>111</b>
Proposed Management Responsibilities .....	111
Trail Maintenance .....	111
Hours of Operation .....	114
Maintenance Costs .....	114
Friends Groups.....	114
<b>Acronyms and Abbreviations .....</b>	<b>115</b>
<b>Terms .....</b>	<b>116</b>



## Appendices

Appendix A	Community Outreach Summary
Appendix B	Alignment Options Development and Evaluation
Appendix C	Trail Signage Guidelines
Appendix D	Cost Estimates
Appendix E	Ice Age Floods National Geologic Trail
Appendix F	Sample Declaration of Cooperation Agreement

## Tables

Table 1 - Ice Age Tonquin Trail Master Plan Goals and Criteria .....	11
Table 2 - Tile 1: Willamette River to Morey’s Landing .....	33
Table 3 - Tile 2: Morey’s Landing to Villebois .....	35
Table 4 - Tile 3: Villebois to Boeckman Road .....	37
Table 5 - Tile 4: Boeckman Road to Grahams Ferry Road.....	39
Table 6 - Tile 5: Grahams Ferry Road to Tonquin Road/Morgan Road .....	41
Table 7 - Tile 6: Tonquin Road/Morgan Road and Vicinity.....	43
Table 8 - Tile 7: Tonquin Road/Morgan Road and Vicinity to Oregon Street .....	45
Table 9 - Tile 8: Tonquin Road/Oregon Street to Downtown Sherwood .....	47
Table 10 - Tile 9: Cedar Creek Corridor (Southern Portion).....	49
Table 11 - Tile 10: Cedar Creek Corridor (Northern Portion).....	51
Table 12 - Tile 11: Roy Rogers Road to Tualatin River National Wildlife Refuge .....	53
Table 13 - Tile 12: Tonquin Road/Oregon Street to Tualatin-Sherwood Road .....	55
Table 14 - Tile 13: Cipole Road (Southern Portion).....	57
Table 15 - Tile 14: Cipole Road (Northern Portion) to Tualatin River.....	59
Table 16 - Tile 15: Southwest Tualatin Concept Plan Area (Southern Portion).....	61
Table 17 - Tile 16: Southwest Tualatin Concept Plan Area (Northern Portion).....	63
Table 18 - Tile 17: Hedges Creek Greenway (Western Portion).....	65
Table 19 - Tile 18: Hedges Creek Greenway (Central Portion).....	67
Table 20 - Tile 19: Hedges Creek Greenway (Eastern Portion) .....	69
Table 21 - Ice Age Tonquin Trail Implementation .....	97
Table 22 - Potential Permits, Approvals and Coordination Needed .....	103
Table 23 - Ice Age Tonquin Trail Estimated Costs.....	105

## Figures

Figure 1 – Typical cross-section for a shared use path .....	73
Figure 2 – Shared use path adjacent to roadway .....	75
Figure 3 – On-street trail design includes bike lanes and sidewalks.....	76

Figure 4 – Shared lane markings.....	77
Figure 5 - Median refuge and shared use path with sidewalks .....	77
Figure 6 - Mid-block crossing and shared use path with sidewalks and medians .....	78
Figure 7 - Trail/roadway crossing design guidance .....	79
Figure 8 – Environmentally-friendly trail bridge design .....	90
Figure 9 – Boardwalk design guidance.....	90

## Maps

Ice Age Tonquin Trail Route.....	3
Map 1 – Regional Vicinity Map .....	6
Map 2 – Ice Age Tonquin Trail Study Area.....	7
Map 3 – Ice Age Tonquin Trail within the Regional System.....	8
Map 4 – Relevant Planning Efforts Occurring in the Ice Age Tonquin Trail Study Area.....	23
Map 5 – Ice Age Tonquin Trail Route.....	27
Map 6 – Ice Age Tonquin Trail Preferred Alignment – Tile Key Map.....	31
Map 7 – Tile 1 - Willamette River to Morey’s Landing.....	32
Map 8 – Tile 2 - Morey’s Landing to Villebois.....	34
Map 9 – Tile 3 - Villebois to Boeckman Road.....	36
Map 10 – Tile 4 - Boeckman Road to Grahams Ferry Road.....	38
Map 11 – Tile 5 - Grahams Ferry Road to Morgan Road/Tonquin Road.....	40
Map 12 – Tile 6 - Tonquin Road/Morgan Road and Vicinity.....	42
Map 13 – Tile 7 - Tonquin Road/Morgan Road and Vicinity to Oregon Street.....	44
Map 14 – Tile 8 - Tonquin Road/Oregon Street to Downtown Sherwood.....	46
Map 15 – Tile 9 - Cedar Creek Corridor (Southern Portion).....	48
Map 16 – Tile 10 - Cedar Creek Corridor (Northern Portion).....	50
Map 17 – Tile 11 - Roy Rogers Road to Tualatin River National Wildlife Refuge.....	52
Map 18 – Tile 12 - Tonquin Road/Oregon Road to Tualatin-Sherwood Road.....	54
Map 19 – Tile 13 - Cipole Road (Southern Portion).....	56
Map 20 – Tile 14 - Cipole Road (Northern Portion) to Tualatin River.....	58
Map 21 – Tile 15 - SW Tualatin Concept Plan Area (Southern Portion).....	60
Map 22 – Tile 16 - SW Tualatin Concept Plan Area (Northern Portion).....	62
Map 23 – Tile 17 - Hedges Creek Greenway (Western Portion).....	64
Map 24 – Tile 18 - Hedges Creek Greenway (Central Portion).....	66
Map 25 – Tile 19 - Hedges Creek Greenway	

## Executive Summary

Located in the southwestern portion of the Portland metropolitan area, the Ice Age Tonquin Trail will provide a regional active transportation link between the Willamette and Tualatin Rivers, while enhancing local pedestrian and bicycle connectivity within and between the communities through which it passes.

The Ice Age Tonquin Trail Master Plan establishes a clearly defined roadmap for taking the trail from vision to reality. Building on work completed in the 2004 *Tonquin Trail Feasibility Study* and many other efforts, this Master Plan provides the information needed as local and regional partners embark on trail implementation efforts. Providing detailed alignment, design, and implementation guidance, this document represents the culmination of tremendous work efforts many stakeholders have undertaken over a multi-year period.

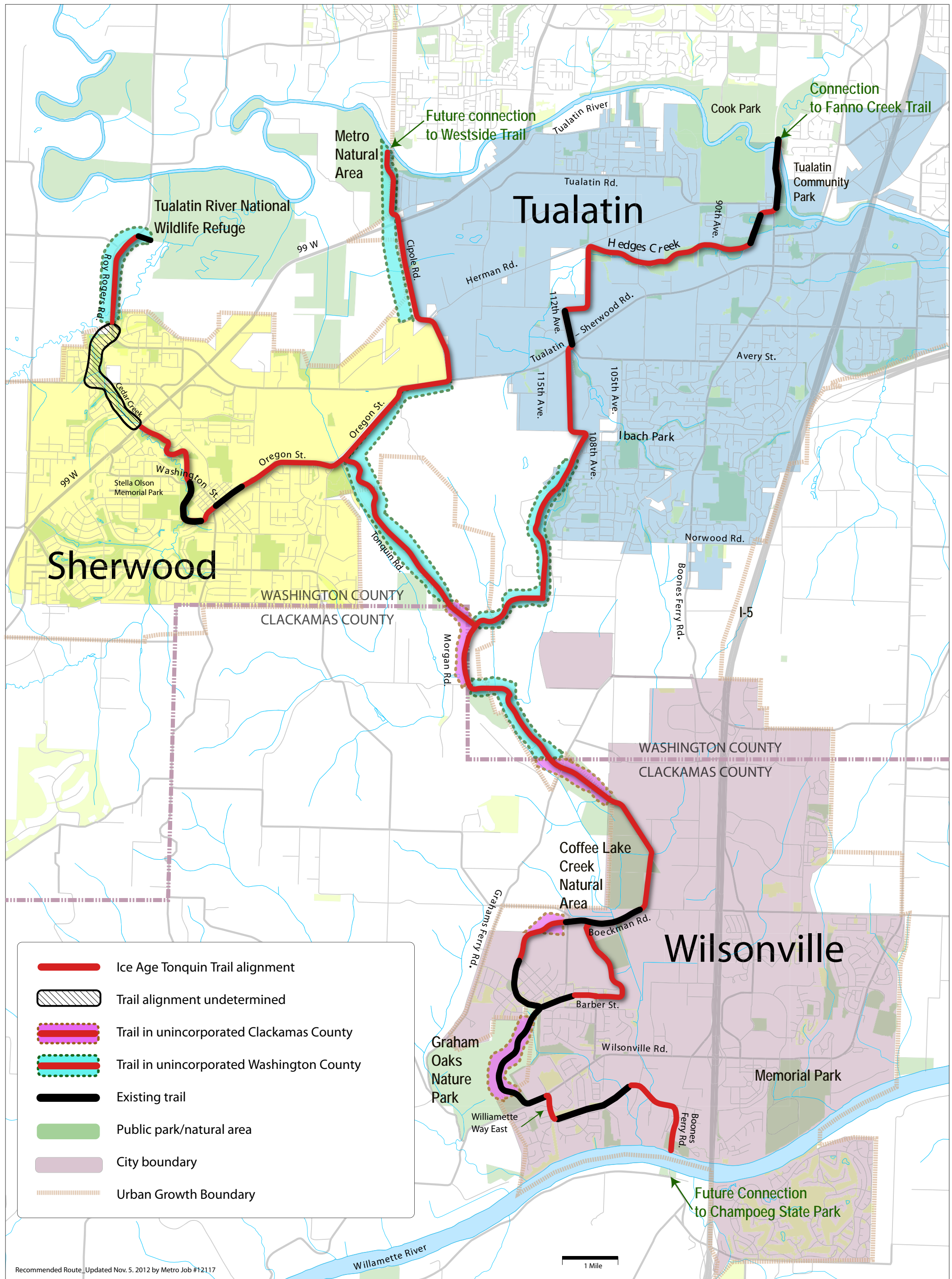
Spanning approximately 22 miles, the Ice Age Tonquin Trail will connect dozens of neighborhoods, businesses, schools, and parks as it travels through the communities of Wilsonville, Sherwood, and Tualatin (as shown on the Ice Age Tonquin Trail Route Map). The trail will provide a convenient, comfortable, and safe atmosphere for trail users of all ages and abilities.

The trail's name reinforces the primary theme to be interpreted throughout the corridor – the Glacial Lake Missoula Ice Age floods, a series of cataclysmic floods that formed the Columbia River Gorge and the Willamette Valley during the last Ice Age. Remains from the Ice Age floods that can be seen along the future trail include glacial erratics, scablands, kolk ponds, flood channels, and ripple marks. The trail's name also ties it to the National Park Service's Ice Age Floods National Geologic Trail, which increases the likelihood of trail funding opportunities and tourism in the cities the Ice Age Tonquin Trail will serve.

From its southern terminus at the Willamette River near Boones Ferry Park, the Ice Age Tonquin Trail may one day offer a connection south to Champoeg State Park via the proposed French Prairie Bridge. Heading north from the Willamette River, the trail will pass through several Wilsonville neighborhoods and Graham Oaks Nature Park before splitting into three segments. The western segment will traverse a bluff above Tonquin Road before descending into downtown Sherwood and Stella Olsen Park. This segment will follow Sherwood's majestic Cedar Creek corridor on its way to a Tualatin River National Wildlife Refuge trailhead near Roy Rogers Road. The central segment will follow Oregon Street and Cipole Road along the Sherwood/Tualatin boundary, access the Tualatin River at a Metro-owned natural area, and offer a connection to the future Westside Regional Trail. Making its way to Tualatin, the eastern segment will pass within close proximity of several historic and geologic features north of Tonquin Road. This segment will travel adjacent to Tualatin's Hedges Creek Greenway en route to Tualatin Community Park, and seamlessly link with the Fanno Creek Regional Trail via the existing Ki-a-Kuts Bridge traversing the Tualatin River.

The trail has garnered strong support from project partners (including the cities of Sherwood, Tualatin, and Wilsonville; Clackamas and Washington Counties; and Metro), who will work together to implement this Master Plan. Nearly 5 miles of the trail are built, but the majority of the Ice Age Tonquin Trail has not yet been completed. The trail will be constructed in phases by the jurisdictions (cities and counties) through which the trail passes, as funding becomes available. The trail partners will adopt the trail into their respective plans and policy documents (for example, comprehensive plans, zoning codes, and

transportation system plans). The three cities will be the primary jurisdictions responsible for operations and maintenance, while county maintenance will be less common and achieved through agreements with the cities. Any property acquired by Metro for the Ice Age Tonquin Trail will be acquired via a “willing seller” program.



Recommended Route, Updated Nov. 5, 2012 by Metro Job #12117

# Ice Age Tonquin Trail Route

## Ice Age Tonquin Trail Master Plan

Source: Metro Data Resource Center



## **STAFF REPORT**

### **IN CONSIDERATION OF RESOLUTION NO. 13-4415, FOR THE PURPOSE OF APPROVING THE ICE AGE TONQUIN TRAIL MASTER PLAN**

---

Date: February 28, 2013

Prepared by: Jane Hart, 503-797-1585

#### **BACKGROUND**

The 22-mile Ice Age Tonquin Trail will connect the Willamette and Tualatin Rivers and the cities of Wilsonville, Sherwood and Tualatin as it travels through parts of Clackamas and Washington counties over a landscape formed by the Ice Age floods 15,000 to 20,000 years ago.

The Ice Age Tonquin Trail was identified as a regionally significant trail in Metro's 1992 Metropolitan Greenspaces Master Plan. Since that time, voters approved two Metro bond measures; one in 1995 and another in 2006, which identified acquisition priorities in the Tonquin Geologic Area target area, including natural areas and a trail corridor.

In November 2007, Metro entered into an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT), the cities of Wilsonville, Sherwood and Tualatin, whereby Metro managed a contract with CH2MHill consultants to conduct the master planning process and prepare the trail master plan. The plan was funded by ODOT.

Building on the 2004 Tonquin Trail Feasibility Study, the Ice Age Tonquin Trail master planning process confirmed a specific alignment for the trail and identified trail design elements, cost estimates to build and maintain the trail, possible funding sources, and a phased implementation plan. During the master planning process, more than 1,000 community members commented at open houses, community festivals, public presentations, stakeholder interviews and online. A steering committee comprised of citizens and representatives from partner cities and counties worked with Metro and the consultant team to finalize the route and trail design and to identify who will build and operate the trail. The extensive public involvement, including presentations to elected officials to keep them updated, resulted in a master plan that is widely supported by the partner jurisdictions and residents of the region. Based on letters of support from the trail partner jurisdictions, the trail name was also amended to add the words *Ice Age*. Appendix A of the Ice Age Tonquin Trail Master Plan contains a complete summary of the community outreach conducted for the trail project. The Ice Age Tonquin Trail Master Plan has been successfully completed and meets the intent of the IGA between ODOT, Metro and the cities of Wilsonville, Sherwood and Tualatin.

Metro staff and project partners met with landowners where trail easements are needed to explain Metro's willing-seller program for trail acquisition and to gauge landowner interest in the project. All landowners contacted were open to the project and to further discussion. The route will need to be refined in some areas where concept planning is underway in unincorporated Washington County. As a result of these landowner meetings, staff has refined the list of properties that are needed to successfully implement the trail. Although some of these properties were not identified on the confidential refinement plan maps, they are needed to help achieve the goals and objectives identified in the Tonquin Geologic Area Refinement Plan, therefore tax lot map adjustments are required to add these properties.

The Metro Chief Operating Officer is authorized to acquire properties identified on the confidential refinement plan maps in accordance with the acquisition guidelines set forth in the Natural Areas Implementation Work Plan (Resolution No. 07-3766A adopted March 1, 2007). Allowing the Chief Operating Officer to acquire these properties without further Council approval enables staff to work with



willing sellers in a timely, businesslike manner, and has been Metro's standard practice in its acquisition of 12,000 acres since 1995.

This resolution requests that the Metro Council approve the amended confidential refinement plan map for the Tonquin Geologic Area target area to allow for acquisition of these newly identified properties. Metro's acquisition of these properties would help achieve the goals and objectives specifically set forth in the refinement plan.

The master plan recommends that partner jurisdictions (the three cities and two counties) amend their respective transportation system plans and that Metro amend its 2035 Regional Transportation Plan to include the master plan's recommended trail alignment in those documents. Adopting the trail alignment in these and other land use and transportation plans will allow it to be eligible for local, regional, state and federal funding sources.

## **ANALYSIS/INFORMATION**

### **1. Known Opposition**

There is no known opposition to the Ice Age Tonquin Trail Master Plan. During the project steering committee meetings, public open houses, stakeholder meetings and landowner interviews, concerns and issues were raised related to the trail location and trail design and adjustments in the alignment were made as appropriate. An extensive, thorough and transparent analysis was conducted to address these issues as they came up during the master planning process. The project steering committee unanimously endorses the resulting master plan.

The plan has already been adopted by the cities of Tualatin and Sherwood and by Washington County.

Notice of the public review draft was widely distributed through e-mail, social media, print, web video and television advertising. A handful of public comments were received, all favorable about the project. An attorney representing three or four contiguous industrial landowners who generally support the project requested several text changes related to the goal of the trail near their land and their involvement in determining the best alignment. The master plan has been revised to address as many of their concerns as possible. Other concerns not directly addressed in the master plan, appear to related to future land use regulations that are local in nature and out of Metro's direct control.

### **2. Legal Antecedents**

Metro Council Resolution No. 07-3850 approving the Tonquin Geologic Area Target Area Refinement Plan and confidential tax lot specific map, adopted on September 27, 2001.

Intergovernmental Agreement (#24086) between the Oregon Department of Transportation, Metro and the cities of Wilsonville, Sherwood and Tualatin, dated November 20, 2007, for funding support and working together to prepare the Ice Age Tonquin Trail Master Plan.

Intergovernmental Agreement between Metro, Washington County and the cities of Wilsonville and Tualatin, dated July 7, 2011, for Concept Planning the "Basalt Creek" and "West Railroad" Planning Areas, which will help to determine final alignment of the Ice Age Tonquin Trail in that area.

### **3. Anticipated Effects**

When completed, the multi-use Ice Age Tonquin Trail will span approximately 22 miles, connecting the Willamette and Tualatin rivers and dozens of neighborhoods, businesses, schools and parks as it travels through the communities of Wilsonville, Sherwood and Tualatin. The Ice Age Tonquin Trail anchors the southwest quadrant of a larger interconnected network of trails and greenways known as The Intertwine.

The trail will connect with other regional trails including the Fanno Creek Greenway Trail and the Westside Trail, and if the French Prairie Bridge is built in Wilsonville, to both Champoeg and Willamette Mission State Parks.

The Ice Age Tonquin Trail Master Plan establishes a clearly defined roadmap for taking the trail from vision to reality. The master plan provides the information needed for Metro and local and regional partners to embark on trail acquisition and development by providing detail alignment, design, and implementation guidance. The trail will be constructed in phases by the jurisdictions the trail serves, as funding becomes available.

When implemented, the master plan's recommendations will result in:

- A safe, ADA-accessible and seamless connection from neighborhoods and employment areas to the trail.
- An alignment that is primarily off-street, with some on-street sections in low traffic areas.
- A consistent look and feel for the trail throughout its entire length, from amenities to signage to logos and more.
- A unifying interpretive theme of the Glacial Lake Missoula Ice Age floods that created the landscape the trail travels through.
- Acquisition of newly-identified properties that will help achieve the goals and objectives of the 2006 Natural Areas Bond. Negotiations can begin with willing sellers associated with these properties.
- Adoption of the master plan by jurisdictions to their respective plans and policy documents.
- The three cities as the primary jurisdictions responsible for trail development and operations and maintenance and close coordination among the implementing agencies.
- Adoption of the trail alignment into partner transportation system plans to make the project eligible for a variety of funding sources.

#### **4. Budget Impacts**

The Ice Age Tonquin Trail is divided into 18 segments running south to north (see Map 26 of the master plan). Approximately five miles of the trail is built, leaving about 17 miles left to build, including bridges and undercrossings where needed. The total cost to acquire, design and build the trail is estimated to range between \$90 million and \$120 million. This represents a planning level cost estimate in 2012 dollars, and is intended to provide an order of magnitude opinion to inform future funding requests for trail development.

The City of Sherwood recently received an approximately \$5 million grant to design and build one to two miles of the trail in the Cedar Creek Greenway, with expected completion in 2015.

Other jurisdictions will build remaining sections as funding becomes available.

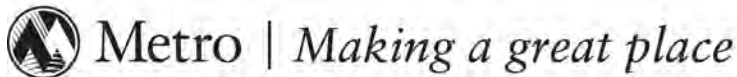
Acquisition opportunities identified in proposed amendments to the Tonquin Geologic Area target area refinement plan would be funded primarily with funds from the 2006 Natural Area Bond Measure and grants that have been secured from other agencies.

#### **RECOMMENDED ACTION**

Chief Operating Officer Martha Bennett, with the concurrence of Metro Council President Tom Hughes, recommends approval of Resolution No. 13-4415.



Materials following this page were distributed at the meeting.



## **METRO COUNCIL MEETING**

Meeting Summary

Feb. 21, 2013

Metro, Council Chamber

**Councilors Present:** Deputy Council President Shirley Craddick, and Councilors Craig Dirksen, Carlotta Collette, Kathryn Harrington, Sam Chase, and Bob Stacey

**Councilors Excused:** Council President Tom Hughes

Deputy Council President Shirley Craddick called the regular council meeting to order at 2 p.m.

### **1. INTRODUCTIONS**

Deputy Council President Craddick welcomed Deputy Chief Operating Officer Mr. Scott Robinson and legal counsel Mr. Joel Morton.

### **2. CITIZEN COMMUNICATIONS**

**Terry Parker, P.O. Box 13503, Portland:** Mr. Parker addressed the Council on the funding for and tolling of the Columbia River Crossing project. His testimony addressed the financial impacts to local small businesses, possible diversion onto I-205, and the financial impacts to road users as opposed to transit users or cyclists. He emphasized the importance of distributing the burden of funding the bridge equitably and that all users should contribute. (Written testimony included as part of the meeting record.)

**Ben Marston, Unite Here, Local 8:** Mr. Marston stated that he has worked at the Portland Center for the Performing Arts for 10 years in various food and beverage service positions. He was passionate about his job, and stated that he and his colleagues' provide consistent high quality customer service. He stated that Aramark has poor and inconsistent management practices. Highlighted examples included event-based employment, lack of overtime during busy seasons, and lack of healthcare coverage. He stated that the union is currently negotiating its contract with Aramark.

Council clarified that Mr. Marston was an Aramark employee not a Metro employee. Councilors also asked clarifying questions about the threshold for receiving healthcare (e.g. hours/week), potential changes due to the Accountable Care Act anticipated in Jan. 2014, and what standard(s) Aramark should consider to express fairness as it relates to level of service and competitive wages. Mr. Marston stated that, between PCPA and the Expo Center, approximately 70 Aramark workers experience the same situation. He emphasized that without secure employment or healthcare, taxpayers are caught paying the difference. He stated that employees must average 30 hours/week in order to secure healthcare, but that event-based work doesn't guarantee set hours. Additionally, he emphasized that service wages should align with the caliber of service provided. He could not speak to the impacts of the ACA. He welcomed a dialog about potential standards for Aramark.

Council requested Metro staff provide councilors with information on the threshold for Aramark to provide healthcare, and how the future healthcare requirement changes might impact the service workers.

Jeremy Simer, Service Employees International Union (SEIU), Local 49: Mr. Simer spoke in support of the previous testimony. While Metro is not the direct employer of service employees at PCPA and Expo, he emphasize that Metro has influence over the contracting relationship since both are Metro facilities. He also addressed the current janitorial contract at Metro and expressed his disappointment that the agency has maintained a contract with a non-union janitorial service. He stated that the current contractor has a record of poor treatment of its employees, low wages, etc. He believed that every Metro employee, and every employee employed at a company at a Metro facility, should receive healthcare and a livable wage. He emphasized that as a public agency, Metro has a responsibility to use public funds to create good jobs.

Kevin Downing, Oregon Department of Environmental Quality: Mr. Downing thanked Metro for partnering with DEQ on the clean diesel project and stated that Metro and DEQ have established a strong partnership over the years in addressing diesel emissions. He spoke to the negative health and climate change impacts due to black carbon – a pollutant that is emitted by a variety of fuel sources such as diesel, coal or wood. Examples of impacts included accelerated snow melt, altered stream flow patterns, and an increased risk of brain tumors in children. He also emphasized the return on investment of the clean diesel retrofit project.

Councilors asked clarifying questions about state programs or analysis with regard to heavy duty vehicles, such as dump trucks. Mr. Downing stated that black carbon is a new pollutant and that the state has yet to complete a report that captures an estimate of the geographic scale of its impact. He did however direct Council to the Environmental Protection Agency's recent report to Congress. In addition, he spoke to the U.S. Green Building Council's LEED standards and recent pilot credit for clean diesel construction. He recommended Metro consider incorporating a green diesel standard for projects Metro help funds. Councilor Harrington noted that when Metro works with state and federal legislators on transportation funding, that the above policy provisions be discussed and added to the list of policy and program dollar expenditures.

### **3. CLEAN FLEET DIESEL RETROFIT PROJECT**

Mr. Matt Tracy of Metro provided a presentation on Metro's diesel retrofit project, a coordinated project with DEQ which utilized EPA's Diesel Emissions Reduction Act (DERA) to install filters on recycling vehicles that operate throughout the Metro region. Diesel particulate matter is a combination of elemental carbons, heavy metals, nitrates, Polycyclic Aromatic Hydrocarbons, and Mercury-Toluene-Lead-Cadmium. Mr. Tracy's presentation provided high level information on the project's history, scope, cost, emissions analysis, return on investment, monetized benefits to the region, a list of waste haulers who participated in the project, and information on the devices that were installed. The project, which cost a total of approximately \$653,000 – of which Metro contributed approximately \$275,300, provides the following benefits:

- \$1.09 million direct and indirect public health and environmental benefits per ton mitigated; and
- Particulate mitigation of 1.3 tons per year will lead to a monetized human and environmental health benefit of \$1.04 million per year.

Additionally, Mr. Tracy shared a map of the region which highlights the different levels of particulate matter in the air. (Presentation included as part of the meeting record.)

Council asked clarifying questions about:

- Diesel particulate contributors in Washington County;
- The benefits of compressed gas vehicles;
- Strategies or initiatives that are being implemented to influence cleaner construction equipment; and
- Whether biodiesel or natural gas is better than petroleum diesel in regards to health and environmental impacts.

The Council also solicited advice from Metro and DEQ staff on potential next steps. Staff recommended that Metro continue to research and/or support state programs around alternative cleaner fuel sources. Additionally, DEQ staff recommended Metro take a leadership role and convene a dialog about developing a clean diesel construction standard for projects Metro is involved in.

**4. CONSIDERATION OF THE MINUTES FOR FEB. 14, 2013**

Motion:	Councilor Kathryn Harrington moved to approve the Feb. 14, 2103 Council minutes.
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Vote:	Deputy Council President Craddick and Councilors Collette, Stacey, Chase, Dirksen, and Harrington voted in support of the motion. The vote was 6 ayes, the motion <u>passed</u> .
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**5. ORDINANCES - FIRST READ**

5.1 **Ordinance No. 13-1297**, For the Purpose of Amending the FY 2012-13 Budget and Appropriations Schedule, Recognizing New Donations and Amending the FY 2012-13 through 2016-17 Capital Improvement Plan.

Second read, public hearing and Council consideration and vote are scheduled for Thursday, Feb. 28, 2013.

5.2 **Ordinance No. 13-1298**, For the Purpose of Annexing to the Metro District Boundary Approximately 59 Acres in the North Bethany Area of Washington County.

Deputy Council President Craddick stated that the legislation would require a quasi-judicial hearing. Second read, hearing and Council consideration and vote are scheduled for Thursday, March 14, 2013.

**6. RESOLUTIONS**

**6.1 Resolution No. 13-4412, For the Purpose of Endorsing a Regional Position on Federal Transportation Policy.**

Motion:	Councilor Carlotta Collette moved to approve Resolution No. 13-4412.
Second:	Councilor Harrington seconded the motion.

Councilor Collette introduced the legislation and stated that the resolution represented regional collaboration and innovation. The Joint Policy Advisory Committee on Transportation will use the resolution to communicate its political message to the delegation in Washington, DC in March 2013. Unlike previous trips to DC, JPACT trip participants will focus the discussion on how the region approaches transportation, and the importance of federal programs and federal support. The Portland metropolitan area's federal legislative priorities articulate the following basic messages:

1. Transportation supports economic prosperity, community livability and environmental quality in the Portland region;
2. Investment in infrastructure equals economic prosperity;
3. A more robust source of revenue for transportation is needed; and
4. In 2013 Congress should begin to act on infrastructure investment.

Additionally, Councilor Collette stated that legislation also provides updates on multiple regional projects as well as financial requests for some projects. For example, the legislation calls for the Legislative to commit federal funding for the I-5 Bridge Replacement project, a project of national significance that crosses the Columbia River. JPACT approved the resolution at its Feb. 14 meeting.

Vote: 

Deputy Council President Craddick and Councilors Collette, Stacey, Chase, Dirksen, and Harrington voted in support of the motion. The vote was 6 ayes, the motion <u>passed</u> .
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**6.2 Resolution No. 13-4413, For the Purpose of Designating TriMet and SMART as the Recipient for Federal Transit Administration 5310 - Special Needs Transportation Funds.**

Motion:	Councilor Collette moved to approve Resolution No. 13-4413.
Second:	Councilor Harrington seconded the motion.

Mr. Ted Leybold of Metro introduced Resolution No. 13-4413. The latest federal transportation authorization bill, Moving Ahead for Progress in the 21<sup>st</sup> Century Act – or commonly referred to as MAP-21 – changed how large urban areas receive Federal Transit Administration Section 5310 Special Needs Transportation funds. Mr. Leybold stated that MAP-21 consolidated several federal funding programs for special needs transportation and now requires a direct apportionment of funds for urbanized areas with populations of over 200,000. The governor of each state is required to designate – in consultation with the appropriate Metropolitan Planning Organization – an agency within each urban area to be the recipient of funds. Mr. Leybold stated that JPACT considered the appointment and has recommended that TriMet be designated as the Portland metropolitan region's fund recipient. Additionally, JPACT recommended Wilsonville's SMART transit agency be a direct recipient of the funds as well. He stated that TriMet and SMART have agreed on how the

funds would be divided. Mr. Leybold also briefly highlighted TriMet's experience and history in administering federal funds, and the agency's relationship with ODOT.

Vote:

Deputy Council President Craddick and Councilors Collette, Stacey, Chase, Dirksen, and Harrington voted in support of the motion. The vote was 6 ayes, the motion passed.

**7. CHIEF OPERATING OFFICER COMMUNICATION**

Mr. Robinson provided updates on the following two items:

- The Metro Council will convene a retreat on Feb. 26 from 9 a.m. to noon. The retreat will focus on goal setting and Council's initiatives.
- Metro's parks, natural areas and cemetery group has been drafting a set of revised permit processes and special use permits that allow for individuals to use Metro's parks or natural areas for special events. He overviewed the group's objective in revising the processes. The new permit processes are scheduled to roll out in mid March 2013.

**8. COUNCILOR COMMUNICATION**

Councilor updates included the recent quarterly exchange meetings in council districts 2 and 4, the North Portland Community Enhancement Committee meeting, Portland Bike-share kick-off event, EPA tour of the Blue Heron site, and Mt. Scott/Scouter Mt. trail meeting with David Douglas school district representatives.

Highlighted upcoming meetings included the Community Planning and Development Grant Evaluation Committee meeting, Nature in Neighborhood Capital Grants tours, and upcoming quarterly exchange meetings.

**9. ADJOURN**

There being no further business, Deputy Council President Craddick adjourned the regular meeting at 3:27 p.m. The Metro Council will convene the next regular council meeting on Thursday, Feb. 28 at 2 p.m. at the Council Chamber.

Respectfully submitted,



Kelsey Newell, Regional Engagement and Legislative Coordinator

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JAN 24, 2013**

<b>Item</b>	<b>Topic</b>	<b>Doc. Date</b>	<b>Document Description</b>	<b>Doc. Number</b>
	Agenda	1/24/13	Revised council agenda for 1/24/13	12413c-01
4.1	Minutes	1/17/13	Council minutes for 1/17/13	12413c-02
4.2	Legislation	N/A	Revised Resolution No. 13-4407	12413c-03
4.3	Legislation	N/A	Resolution No. 13-4409	12413c-04
4.4	Legislation	N/A	Resolution No. 13-4411	12413c-05

# Ice Age Tonquin Trail Master Plan

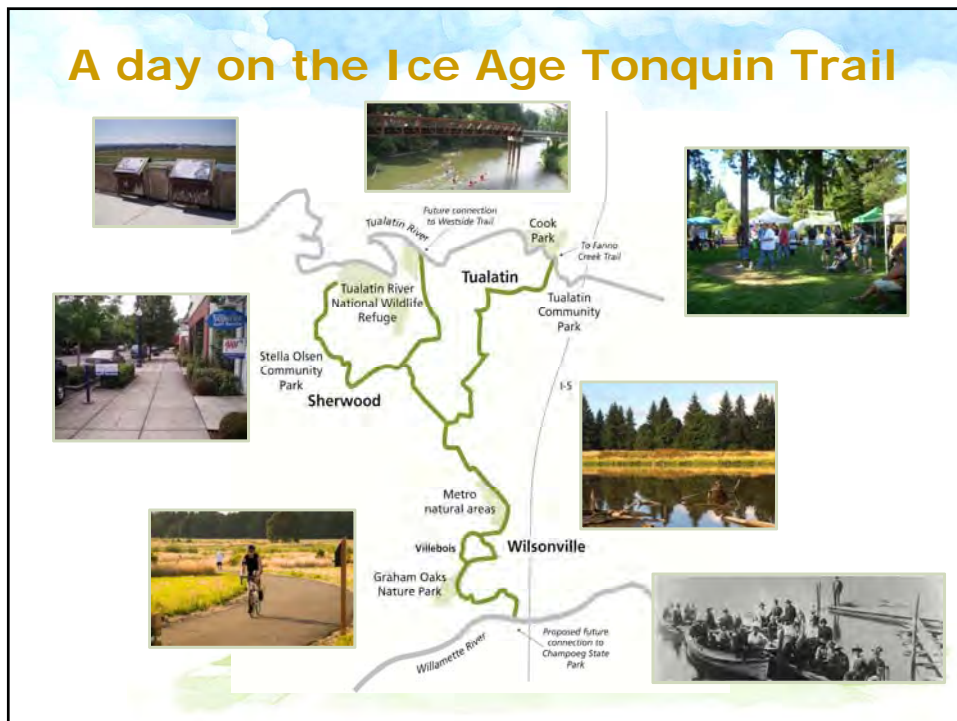
Presented by:  
Jane Hart – Metro  
Chris Neamtzu – Wilsonville  
Michelle Miller – Sherwood  
Carl Switzer – Tualatin



February 2013

Project Partners: Metro, City of Wilsonville,  
City of Tualatin, City of Sherwood,  
Clackamas County and Washington County

## A day on the Ice Age Tonquin Trail





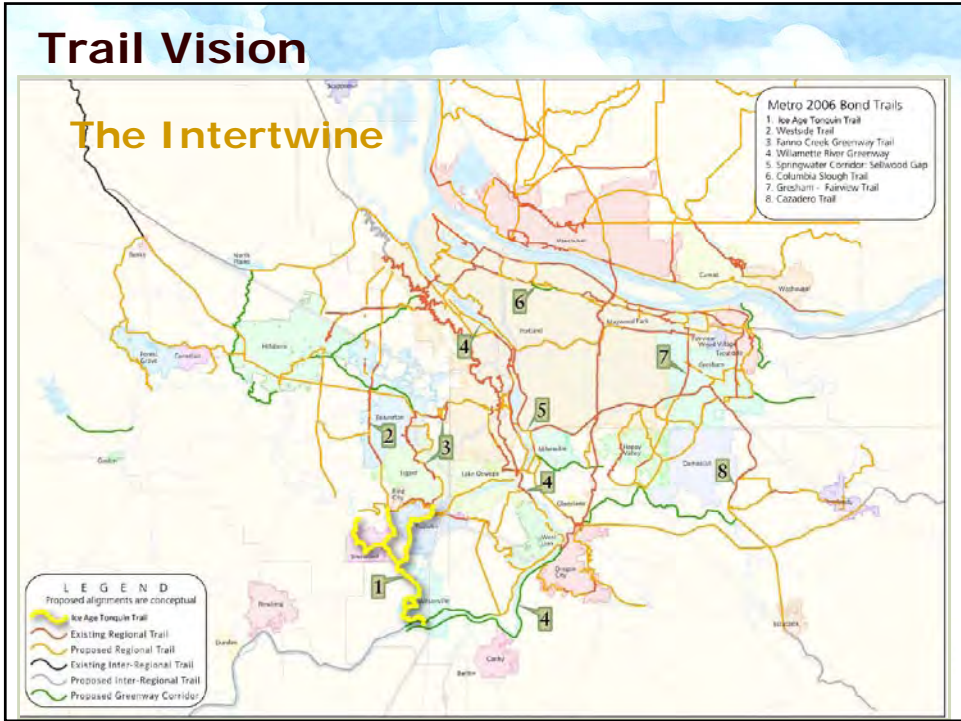
## Why approve the trail master plan now?



- 2006 bond measure priority
- Assures funding eligibility for implementation
- Trail acquisition can begin in earnest
- Delivers on promise to the voters

## Presentation overview

- Trail vision
- Trail planning process
- Trail design
- Implementation



## Ice Age Tonquin Trail Vision



Wildlife Refuge



Boones Ferry Park



Ki-a-kuts Bridge

## Trail Planning Process

### Project Steering Committee

#### WILSONVILLE

Al Levit, Chris Neamtzu, Jeff Owens

#### TUALATIN

Connie Ledbetter, Carl Switzer

#### SHERWOOD

Brian Stecher, Michelle Miller

#### CLACKAMAS COUNTY

Lori Mastrantonio

#### WASHINGTON COUNTY

Stephen Shane

#### CLEAN WATER SERVICES

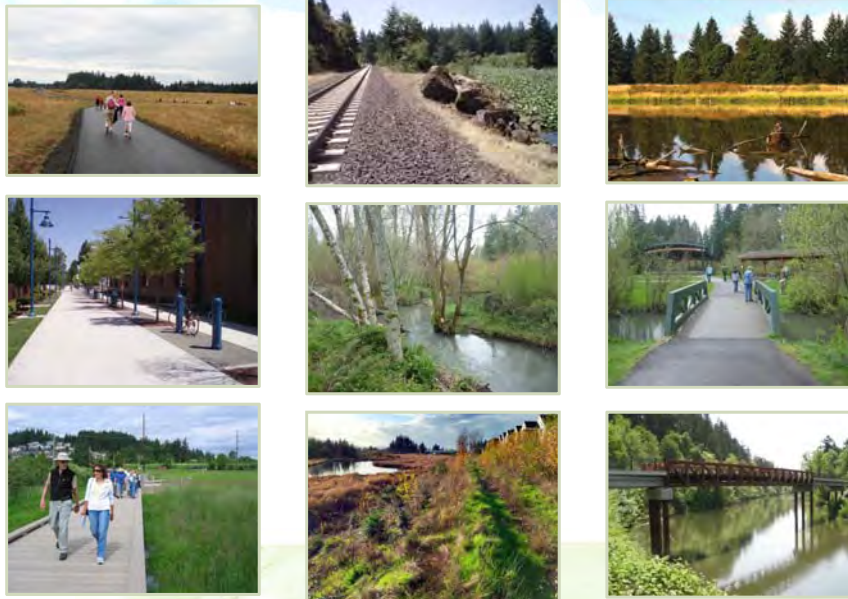
Damon Reische

#### WASHINGTON CO. CYCLE ADVOCATE

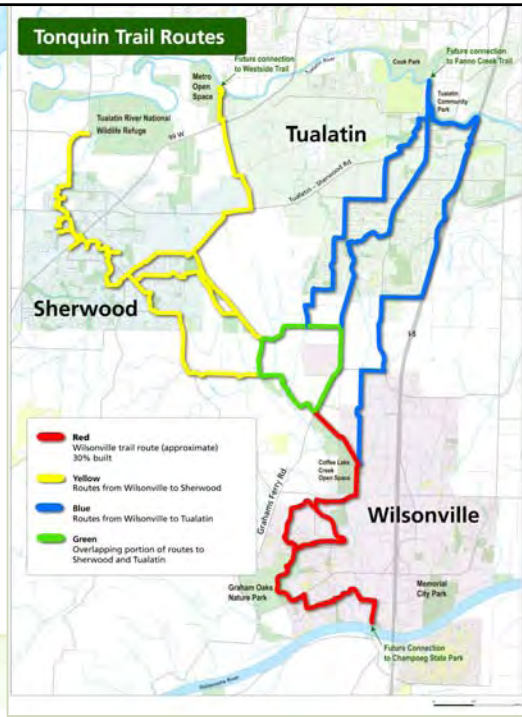
Hal Ballard



## Study area



## Route analysis





## Community helped shape the trail



## Design for active transportation



## Public art and signage



## Trail near Industrial Areas



Before



After

Springwater-OMSI Rail-With-Trail : Portland, Oregon : Opened November 2002

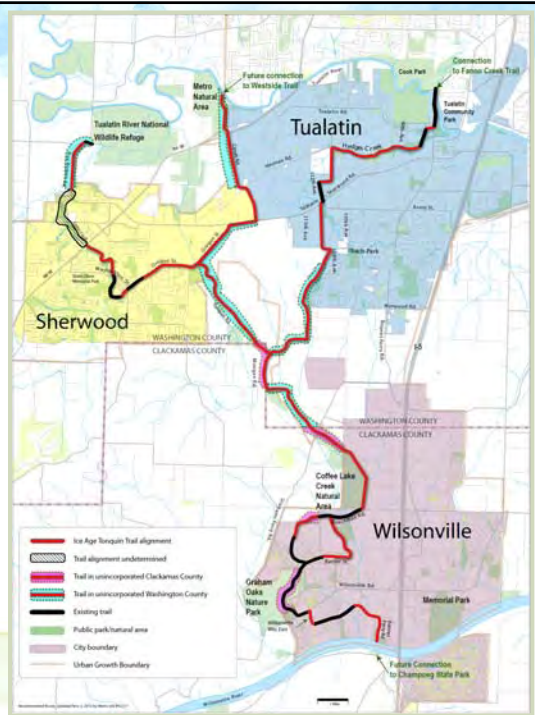
## Implementation

- Partners enter a Declaration of Cooperation
- Incorporate the trail into relevant plans
- Acquire trail easements
- Build as funding is available



## Metro Council action needed today

- Approve master plan
- Approve tax lot map
- Amend 2035 Regional Transportation Plan to include trail route







## Cost estimates

**Acquisition:**  
\$3 million to \$6 million

**Design / build:**  
\$85 million to \$120 million

**Average cost per mile:**  
\$3 million

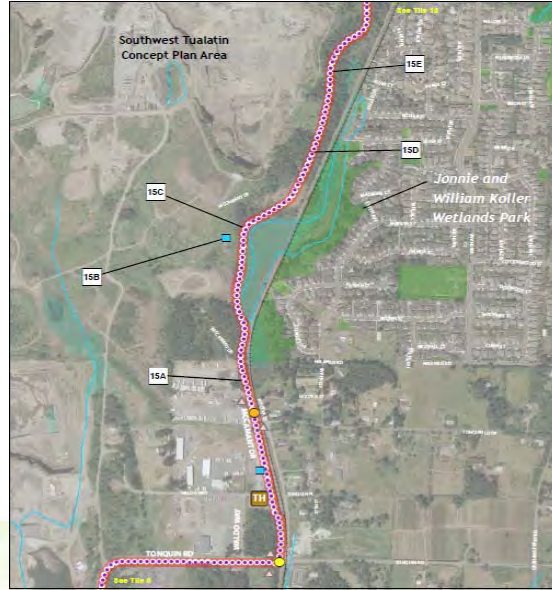
**Built miles: 5**  
**Remaining miles to build: 17**

*Estimates in 2012 dollars*





## Tonquin Industrial Area



## Trail design



Graham Oaks Nature Park



Villebois neighborhood



Stella Olsen Park



Ki-a-Kuts bridge

# CLICK HERE FOR FULL TESTIMONY

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February 27, 2013

Via Hand Delivery  
& Electronic Mail  
Honorable Council President and  
Members of the Metro Council

RE: Tonquin Industrial Group (TIG) Qualified OBJECTION to “Ice Age Tonquin Trail Master Plan” Including Alignment in a Regionally Significant Industrial Area

Dear Honorable Council President and Members of the Council:

Please include this letter and attachments 00-12 in the record of the proposed Metro adoption of the Ice Age Tonquin Trail Master Plan (IATMP). We have been advised that no hearing will be conducted on the IATMP. This letter is offered for the record of the IATMP and we understand Senior Counsel Roger Alfred will place it into that record.

This firm represents employers of more than 50 family wage industrial jobs in a Regionally Significant Industrial Area (RSIA). On behalf of our clients and their employees we ask that you please do not accept or adopt the IATMP without instructions that it either remove the “preferred alignment” in the 50 acre Tonquin Industrial Group (TIG) RSIA, leaving the flexibility to avoid the RSIA or include language requiring any alignment in the RSIA be shown as safe for pedestrian and drivers, does not adversely affect industrial development and freight mobility in the RSIA. There is precedent for what the TIG asks – in Sherwood there is an area where the “Trail alignment is undetermined” and TIG simply asks for a similar accommodation for the RSIA (as suggested on APP 00 until an alignment can be established that is both safe and not harmful to the RSIA. *See* APP 00.

Specifically, our TIG clients are: Terra Hydr Inc. and Tonquin Industrial LLC (11670 SW Waldo Wy., Sherwood) (includes heavy trucks/tractors and equipment); Bob and Donna Albertson and Albertson Trucking Inc.(23100 McCammant Dr. and 2 S134B000500) (includes heavy trucks / tractors); Mark Brown, McCammant Properties Inc. and Brown Transfer Inc. (23105 SW McCammant Dr., Sherwood) (includes heavy trucks/tractors) and McGuire Brothers LLC and Steve McGuire, whose property is generally described as 2S134B-00600 (proposal includes developing their property with uses involving heavy trucks / tractors). These business owners all own industrial land contemplated to be used or now used for important industrial businesses in the TIG area which is shown generally on IATMP Map 21 Tile 15 page 60 (the TIG area is roughly between “15B” and Tonquin Rd. to the north and south respectively and the railroad tracks and gravel pits to the west and east respectively.) It is also shown on IATMP Map 12 Tile 6. As noted, these companies employ approximately 50 people in the TIG area, in family wage jobs, and significantly more industrial (job) development is contemplated by these TIG employers.

Pursuant to ORS 197.615, please supply the undersigned with notice of the decision(s) regarding the acceptance or adoption of the IATMP and any amendments to the Metro RTSP or other plan reflecting or implementing the IATMP.

Attached to this letter are previous TIG comments to Metro on the IATMP and attachments. Those comments are incorporated herein. Moreover, additional attachments are supplied showing the nature of the proposed trail is region wide if not of national significance. *See* App 7. This matters because parks including linear parks of this magnitude are simply not allowed in RSIA's by the Metro Functional Plan. *See* Metro Functional Plan 3.07.426(D)/1130(D) (quoted at p 8 of this letter); App 12.

### **Executive Summary**

The IATTMP imposes a major trailhead in and an alignment of the IATT through the TIG RSIA with no assurances that the RSIA will be protected. Specifically, the trail and trailhead in the RSIA are designed to attract hundreds if not thousands of visitors each day. It is and is **required** to be open 24 hours a day 7 days a week. This means that people will have a right to be in the RSIA near very expensive equipment at 2 am. There is no assurance that the plan thus does not cause serious security problems, as well as serious freight mobility problems; and impose current and future land use restrictions on the TIG RSIA's existing and future development. Similarly, there are no assurances that the designated trail or a trail head can feasibly be developed in a way that maintains pedestrian and freight traffic safety. TIG requests that you either deny the invitation to adopt the IATTMP or adopt the IATTMP with the express changes that:

- (1) no IATT alignment or trail head location is selected in the SWCP TIG RSIA, leaving open the possibility the trail could skirt it; and
- (2) no trail alignment or trail head will be approved by the Metro in the SWCP TIG RSIA unless that alignment or trail head is shown to not interfere with existing and future TIG RSIA uses and can be established safely for both pedestrians and drivers.

These leave open maximum flexibility that the trail can be developed to achieve its purposes without destroying the RSIA. This assures that people can get to the kolks to the far north and then either head west to connect to 124th or head east and connect to neighborhoods.

With all due respect the claims that the IATTMP is very general, or conceptual or lacks regulatory effect, is betrayed by the express words and requirements that are in the IATTMP. When such claims are being made to convince you to ignore TIG's concerns, please simply turn to the IATTMP pages 71-94 and 104-106. *See* App 10 p 9-32. We think you will agree with TIG that the plan is anything but "general" or "conceptual". As to regulatory effect consider the following Washington County Code

requirement and decide whether this means that no

Also, please don't be misled about the significance of a Metro "willing seller" policy. First, the council is well aware that land use restrictions don't follow land use acquisition. Just take a look at the Washington County land use restrictions at APP 6 to see that. Government has long imposed restrictions on the use of property that it does not own. Once a plan establishes a trail location or a trailhead location then nothing -- short of litigation arguing unconstitutional takings -- prevents the trail from serving as the basis for land use restrictions including refusing to allow industrial development at all as the county plan does (if the IATTMP is considered a Regional Park Plan") setbacks, making existing structures within trail setbacks "nonconforming uses"; forbidding vegetation removal and similar restrictions that elevate the trail to a place of greater importance than the RSIA and family wage employment. Second, the IATTMP specifically states Metro will not be doing all the land acquisition: "It is highly unlikely that the Metro funds will be adequate to purchase all land that is needed for the trail, and local jurisdictions will need to purchase some of those lands." IATTMP p 110. Third, Metro's willing seller policy is just that a policy. What Metro wants it can get. It has not divested itself of authority to release the heavy hammer of condemnation; it just asks first.

Finally, TIG hopes you understand there are plenty of other options than going through the TIG RSIA with a trail head or trail alignment. Claims that nothing else is "feasible" should be seriously questioned because they simply do not stand up. There has been no serious study to make any of the available options avoiding the TIG RSIA "infeasible."

### **TIG Supports the IATT in Safe, Appropriate Locations**

The TIG businesses and owners support a regional trail proving the public with access to ice age phenomena. However, please understand that there are no ice age phenomena in the TIG RSIA. In the TIG RSIA, there is only heavy industry. Putting a heavy usage pedestrian trail in the TIG RSIA area as contemplated is unsafe, causes serious security problems for the RSIA businesses having expensive equipment and will significantly interfere with freight mobility. Metro need only consider the significant pedestrian traffic the Grahams Ferry portion of the constructed IATT receives to put this problem in perspective. Specifically, in years 2008-2010 the incomplete and short Tonquin Trail had an average of 743 bike and pedestrian users – 548 of them were pedestrian users. *See* Attachment 8 p 1. There is simply no need or appropriate reason to put a trail head or a trail alignment in this busy TIG RSIA and interfere with the industrial development in the TIG and put people and jobs at risk.

Metro has numerous options. It could show the trail to the kolks just north of the TIG area and the trail heading east to the City of Tualatin residential neighborhoods or west to 124<sup>th</sup>. So far, TIG's concerns have fallen on deaf ears. Instead, parks staff has rushed the adoption of the IATTMP and pushed jurisdictions to adopt, without listening to or addressing these serious and important issues.

### **Ameliorative Language No Help**

In response to TIG's serious concerns about safety, security and land use restrictions, Metro added the following language, which badly misses the point and is essentially meaningless to TIG's concerns:

“The goal of the Ice Age Tonquin Trail in the Southwest Tualatin Concept Plan area is to have a north/south orientation through and adjacent to the areas of highest desirability for interpretation of the Ice Age floods and the associated natural and geologic features. The exact alignment and proposed trailhead location have yet to be determined and will be developed in the future in consultation with the industrial land owners in this area, adjacent property owners, the general public and other stakeholders, no later than the time of annexation. Any property acquired by Metro for the trail will be acquired via a willing seller program.”<sup>1</sup> P 43.

There are no ice age features in the TIG RSIA. The “exact alignment” is not the issue. The issue is *any* alignment in the TIG RSIA where there are not attendant assurances of safety, security and that the trail won't serve as the basis for restrictive land use requirements. If the region cannot assure that the RSIA will not be jeopardized by the introduction of large numbers of pedestrians, then the region should leave itself the flexibility to avoid the RSIA altogether. Further, this language does not say that the IATMP is not a final decision deciding that the IATT can be lawfully located in the TIG RSIA. It does not say that the TIG RSIA businesses will have rights to object to a trail alignment ultimately put through their properties that creates unsafe pedestrian conflicts and significantly interferes with freight mobility. It does not say existing industry will not become nonconforming if within a trail alignment setback. It does not say that the fact of a trail alignment will not result in vegetation removal restrictions. In short this insulting response provides no meaningful or legally binding assurance.

At the Tualatin hearing on the IATTMP and Tualatin TSP, an air quality citizen expert wholly unrelated and unconnected to TIG submitted written and oral testimony that the introduction of pedestrian traffic in areas with diesel engines is unhealthy for the sensitive populations pedestrians represent, particularly children. *See* App 11. This further establishes that the introduction of the conflicting use of a high traffic regional if not national scale trail in an RSIA builds in hopeless conflicts that reduce both the value of the trail and the RSIA.

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<sup>1</sup> The “willing seller” idea is of course meaningless if the plan to make local governments force industrial landowners to give up their land and businesses in whole or part. The IATMP specifically contemplates that local governments, *other than Metro*, will acquire land for the trail alignment. P 110. The IATMP says nothing about those jurisdiction's rights or willingness to use eminent domain to establish the trail and as the guiding document, should restrict such authority.

### **Metro Verbal Representations**

Metro employees tasked with establishing the IATMP and its trail alignment have verbally assured TIG that the IATMP and its trail alignment (1) are conceptual only; (2) impose no requirements or restrictions on the TIG owners; (3) supply no basis for local jurisdictions to impose requirements on them, (4) will not adversely affect freight, equipment and goods mobility based on pedestrian and bike conflicts, (5) will be followed with safeguards that protect TIG owners' / operators' from liability for personal and property injury to trail users hurt by industrial rail, truck, and equipment traffic (with which the proposed trail alignment has significant conflict), (6) will come with protections for their property and equipment from vandalism and the added burden of costs associated with otherwise having to add and maintain watchmen and security devices, and (7) in any event cannot be implemented without each of the TIG owners' agreement because Metro has a policy not to acquire trails by the heavy handed instrument on eminent domain.<sup>1</sup>

If these are true statements, then the IATMP should reflect them. However, as written, the proposed IATMP supports none of these statements and Metro has steadfastly refused to put any of this in writing. Instead, the IATMP makes clear it is final, binding decision on a number of key issues and the TIG will not be able to raise its concerns in any meaningful way later on. The land use principle that a final decision may not be collaterally attacked later on looms large. Consider the following IATTMP statements:

*“The Ice Age Tonquin Trail Master Plan establishes a clearly defined roadmap for taking the trail from vision to reality. Building on work completed in the 2004 Tonquin Trail Feasibility Study and many other efforts, this Master Plan provides the information needed as local and regional partners embark on trail implementation efforts. Providing detailed alignment, design, and implementation guidance, this document represents the culmination of tremendous work efforts many stakeholders have undertaken over a multi-year period.”* P 1, 10. (Emphases supplied.)

The IATTMP includes numerous detail trail design standards including “Special Design Requirements” See IATMP p 103-125 and costs associated with these detail elements.

The trail in the TIG area is imminent -- before 2015: “The Ice Age Tonquin Trail needs to be incorporated into ongoing concept planning, updates to transportation system plans and other relevant transportation and land use planning processes and decisions. IATTMP P 106. In particular, there are three projects being planned in a corridor between the Tonquin Road/Morgan Road intersection and the Tonquin Road/Tonquin Loop intersection that directly overlap with the recommended trail alignment. These projects, which are shown on Map 27, include the following:

- O The design for how the 124th Avenue Extension will tie into Tonquin Road

- The design for the westernmost portion of the new east-west connector (that will extend the 124th Avenue Extension project east toward Interstate 5)
- Improvements to Tonquin Road.

“Project partners need to work closely with Washington County to be sure that trail design is a component of these projects *and that trail right-of-way is preserved for future development* in this area. In addition, Metro’s *2035 Regional Transportation Plan* (especially the Financially Constrained project list in that plan) needs to be updated to include the Ice Age Tonquin Trail recommended alignment.” (Emphasis supplied.) P 107.

Please note that the IATTMP does not even respect County Ordinance 750 establishing the alignment and study area for 124<sup>th</sup> Street. *See* APP 2 and compare App 2 p 8 with App 10 p 32.

“Regional trails are open 24 hours a day, 7 days a week. Because this will be their first regional trail, some jurisdictions may need to revise their policies and procedures to be sure that access to the trail is available 24 hours a day, 7 days a week, throughout its entire length.” P 146.

### **Metro Response**

A 2010 Metro Functional Plan amendment (see Exhibit 12) requires the following to protect RSIA:

“3.07.426(D)/1130(D). Cities and counties *shall* review their land use regulations *and revise them*, if necessary, *to prohibit the siting* of schools, places of assembly larger than 20,000 square feet or *parks intended to serve people other than those working or residing in the RSIA.*” (Emphasis supplied.)

Metro has responded to TIG’s position that the IATMP trail alignment in the 50 acre TIG RSIA violates this provision. Metro explains its view that a trail is not a linear park and presumably is not a place of assembly. TIG respectfully disagrees. Many Metro documents list regional trails as “parks”, many local park providers do similarly. *See* for example APP 5 p 3-7; APP 5 p 10. It’s similarly hard to argue that the IATT and the trailhead planned in the TIG RSIA is not a place of assembly larger than 20,000 square feet.

Further, Metro responds that there are many trails in industrial areas. From this it reasons that trails must not be prohibited parks. Again, with the greatest respect, we simply point out that the prohibition applies only to RSIA and was only adopted in 2010. The cited trails and their associated plans are not in as far as we know in RSIA, and predate the new 2010 protective prohibition on parks and places of public assembly. Moreover, we point out that to the extent that the 2010 protective prohibition for RSIA

applied to local plans adopted after acknowledgement, then the 2010 ordinance was only acknowledged in December 2012. See App 12, p 1-97.

Metro also responds that the trail is shown on the Southwest Concept Plan so it can be shown in the IATTMP with no new regulatory significance. Here again, TIG respectfully disagrees. The SWCP specifically states: "The proposed trail system could incorporate elements of the Tonquin Trail which is in the planning process at the time of this writing. The alignments of the Tonquin Trail are an emerging issue and are not defined at this time. The proposed trails in the Concept Plan could evolve and be modified as the Tonquin Trail continues to develop." In the SWCP, the IATT had no regulatory significance.

### **Key IATMP Issues**

The TIG employers have been clear throughout this process that IATMP trail alignment in the TIG RSIA area has potentially devastating effects on their businesses.<sup>2</sup> This is because of (1) liability, (2) safety and security concerns, and (3) concerns that it requires or supplies the foundation for industrial land use restrictions; (4) concern that the IATMP trail will be the basis for forced free-of-charge land dedications unfairly diminishing developable RSIA area. See sample Washington County regulations at Metro Letter Attachment 6. These county regulations include purported authority to demand land dedications for trails. Metro Letter Attachment 6, p 1.

Each of the TIG members either now operate or plan to operate heavy trucks and equipment throughout the area, a rail spur is proposed in this area by at least one of the TIG owners to facilitate industrial use (supporting cold storage warehouse or heavy construction distribution is the current plan) and a rail line now exists. There are numerous driveway and street intersections in this industrial area that support heavy industrial use. A regional high use bike and pedestrian trail as proposed in the IATMP in this RSIA area introduces untenable safety and security conflicts between industrial and recreational users causing potential liability, not to mention harm to users. That high recreational use is anticipated for the regional IATMP trail is clear from the IATMP itself as well as Apps 7; and trail counts from Tonquin Trail segments 3-5 years ago. See Attachment 8 p 1 submitted under separate cover at the hearing.

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<sup>2</sup> To the extent that there is an idea to put the trail in the BPA easement, please understand that this would require the exercise of eminent domain as the fee interest is owned by private industry not BPA. See attached tax map and BPA deed regarding Terra Hydr's property. BPA's interest is limited to an easement for power related purposes only. It has no authority to authorize trails or any other type of public access. If the proposal were to acquire land in the BPA easement Metro would likely find a willing seller in RSIA TIG owners if the proposal was limited to trail establishment in the easement that is to the west of the towers and lines. To the east of the towers in the easement would not meet willing sellers because that would have severe adverse consequences on TIG RSIA businesses including safety, security as well as land use restriction and would impose limits on needed maneuvering and expansion area.



While there is undeveloped road right of way in this area owned by the county (McCammant Dr.), it is a narrow, dirt road – an undeveloped right of way. A recent county industrial land use approval required this right of way be partially developed with a 12 ft. drivable surface with a 20 ft. unobscured width, 13.5 ft. vertical clearance and a minimum surface of 12" of crushed rock that must be maintained as such. There is no room for a 12' trail plus industrial roadway. Moreover, this right of way is in the busiest or nearly busiest part of the RSIA being surrounded by a potential distribution facility site, and an existing freight transfer and trucking business (Brown Transfer) and heavy trucking (Albertson Trucking). It cannot be seriously contended that a pedestrian trail can be introduced here without serious safety and security conflicts as well as without causing serious harm to the integrity of the RSIA and the family wage jobs represented.

The IATMP is required by the Regional Framework Plan to be adopted by local governments like Washington County and Tualatin and the IATMP invites and in some places *requires* those adopting jurisdictions to impose setbacks and other land use restrictions on the TIG businesses to protect the IATMP trail as opposed to offering protection for the industrial users in the RSIA. For example, Washington County requires the following in development applications:

“501-8.3 Desirable Services

A. Pedestrian walkways, off-street trails and pathways and bicycle facilities

- (1) Applications may be conditioned to provide on- and off-site pedestrian walkways, off-street trails and pathways; and on- and off-site bicycle facilities, including appropriate open space or easement reservations or dedications, when identified by the appropriate agency and a direct impact or benefit to the proposed use is identified.
- (2) *Applications shall address any off-street trail, pathway or walkway identified on the Transportation Plan Trails and Pedestrian System map or the applicable Community Plan (including facilities identified in Pedestrian Connectivity Areas), that is adjacent to or in proximity to the subject site. Specifically, the applicant shall:*
  - (a) Provide documentation from the current or identified long-term trail provider about needed open space or easement reservations or dedications and/or any necessary improvements for any identified on- or off- site walkway, trail or pathway; *and*
  - (b) *Include in the submitted site plan any open space or easement reservation or dedication area and/or off-street trail, pathway or walkway identified by the trail provider in the documentation provided pursuant to (a) above. (Emphasis supplied.)*

Beyond the local requirements in the Washington County regulations quoted above and the others all at Metro letter Attachment 6, another good example from the IATMP itself follows:

“Special Design **Requirement**” that local governments impose restrictions that: “*Maximize the setback between the trail and the railroad track used by WES. The setback distance between a track centerline and the closest edge of the trail should topographic conditions and separation techniques.*” (Emphasis supplied.) IATMP p 82.

Each of the TIG businesses are located along the rail line used by WES and it is on this line that a rail spur is contemplated to support heavy industry. The question becomes: where will this requirement for a maximum setback be and will it make industrial development including a rail spur in this area impossible? The answer is anyone’s guess unless the IATMP is revised to clarify it does not require or authorize such restrictions in the TIG RSIA area.

#### **Legal and Policy Reasons to Adequately Protect RSIA TIG Properties in the IATMP**

There is no dispute that the TIG businesses are in an RSIA in the Metro UGB. There is no dispute that the proposed IATMP is a regional trail and there are efforts to give it national significance. *See* Attachment 7 submitted under separate cover at the hearing. As explained above, the Metro Functional Plan is explicit that regional trails (which TIG believes are defined as “Park” and “linear parks”<sup>2</sup>) and are certainly places of assembly more than 20,000 square feet, are prohibited in RSIA’s:

“3.07.426(D)/1130(D). Cities and counties *shall* review their land use regulations *and revise them*, if necessary, *to prohibit the siting* of schools, places of assembly larger than 20,000 square feet or *parks intended to serve people other than those working or residing in the RSIA.*” (Emphasis supplied.)

Metro and the jurisdictions failing to supply a reasonable accommodation to the TIG RSIA means the proposed IATMP is, with all due respect, a legal nonstarter. It also makes the IAMP infeasible because the TIG owners are not willing sellers without the reasonable assurances and accommodations they seek as outlined in this letter.

Metro’s Regional Framework Plan and the Metro Functional Plan all provide other requirements that Metro protect the TIG RSIA – which is designed to be a heavy employment area for the region -- from incompatible pedestrian attractor uses. These Metro requirements are similarly not met and are not adequately addressed by the IATMP as currently constituted. Nonexclusive examples of these governing requirements follow below.

## Metro Functional Plan Title 4

### “TITLE 4: INDUSTRIAL AND OTHER EMPLOYMENT AREAS

#### “3.07.410 Purpose and Intent

“The Regional Framework Plan calls for a strong regional economy. To improve the economy, Title 4 seeks to provide and protect a supply of sites for employment *by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of "clustering" to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations.* Title 4 further seeks to protect the *capacity and efficiency of the region’s transportation system for the movement of goods and services* and to encourage the location of other types of employment in Centers, Corridors, Main Streets and Station Communities. \* \* \*.” (Emphasis supplied.)

#### “3.07.420 Protection of Regionally Significant Industrial Areas

“A. Regionally Significant Industrial Areas (RSIAs) are *those areas near the region’s most significant transportation facilities for the movement of freight and other areas most suitable for movement and storage of goods.* Each city and county with land use planning authority over RSIAs shown on the Employment and Industrial Areas Map shall derive specific plan designation and zoning district boundaries of RSIAs within its jurisdiction from the Map, taking into account the location of existing uses that would not conform to the limitations on non- industrial uses in this section and the need to achieve a mix of employment uses. (Emphasis supplied.)

“\* \* \*

“C. Cities and counties *shall* review their land use regulations *and revise them, if necessary, to include measures to limit the siting and location of new buildings for the uses described in subsection B and for non-industrial uses that do not cater to daily customers—such as banks or insurance processing centers—to ensure that such uses do not reduce off-peak performance on Main Roadway Routes and Roadway Connectors shown on the Regional Freight Network Map in the RTP or require added road capacity to prevent falling below the standards.* (Emphasis supplied.)

D”. Cities and counties *shall* review their land use regulations *and revise them, if necessary, to prohibit the siting of schools, places of assembly larger than 20,000 square feet or parks intended to serve people other than those working or residing in the RSIA.* (Emphasis supplied.)

“\* \* \*”

## **Metro Regional Framework**

### **Plan: “Chapter 1 Land Use**

#### **“Introduction**

“The Metro Charter requires that Metro address growth management and land use planning matters of metropolitan concern. This chapter contains the policies that guide Metro in such areas as development of centers, corridors, station communities, and main streets; housing choices; employment choices and opportunities; economic vitality; urban and rural reserves; management of the Urban Growth Boundary (UGB); urban design and local plan and policy coordination.

“\* \* \*

“A livable region is an economically strong region. This chapter contains policies that supports a strong economic climate through encouraging the development of a diverse and sufficient supply of jobs, especially family wage jobs, in appropriate locations throughout the region.

#### **“Six Outcomes, Characteristics of a Successful Region**

“It is the policy of the Metro Council to exercise its powers to achieve the following six outcomes, characteristics of a successful region:

- “1. People live, work and play in vibrant communities where their everyday needs are easily accessible.
- “2. Current and future residents benefit from the region’s sustained economic competitiveness and prosperity.
- “3. People have safe and reliable transportation choices that enhance their quality of life.
- “4. The region is a leader in minimizing contributions to global warming.
- “5. Current and future generations enjoy clean air, clean water and healthy ecosystems.
- “6. The benefits and burdens of growth and change are distributed equitably.

#### **“1.4 Employment Choices and Opportunities**

“It is the policy of the Metro Council to:

\* \* \*

“1.4.1. Locate expansions of the UGB for industrial or commercial purposes in locations consistent with this plan and where, consistent with state statutes and statewide goals, an assessment of the type, mix and wages of existing and anticipated jobs within subregions justifies such expansion

“1.4.4. *Require, through the Urban Growth Management Functional Plan, that local governments exercise their comprehensive planning and zoning authorities to protect Regionally Significant Industrial Areas from incompatible uses.* (Emphasis supplied.)

“1.4.5. Facilitate investment in those areas of employment with characteristics that make them especially suitable and valuable for traded-sector goods and services, including brownfield sites and sites that are re-developable.

“1.4.6. Consistent with policies promoting a compact urban form, ensure that the region maintains a sufficient supply of tracts 50 acres and larger to meet demand by traded-sector industries for large sites and protect those sites from conversion to non-industrial uses.

### **“1.8 Developed Urban Land**

“It is the policy of the Metro Council to:

“1.8.1 Identify and actively address opportunities for *and obstacles to the continued development* and redevelopment of *existing urban land* using a combination of regulations and incentives to ensure that the prospect of living, working and *doing business in those locations remains attractive to a wide range* of households and *employers*. (Emphasis supplied.)

“1.8.2 Encourage, in coordination with affected agencies, the redevelopment and reuse of lands used in the past or already used for commercial or industrial purposes wherever economically viable and environmentally sound.

“1.8.3 Assess redevelopment and infill potential in the region when Metro examines whether additional urban land is needed within the UGB, and include the potential for redevelopment and infill on existing urban land as an element when calculating the buildable land supply in the region, where it can be demonstrated that the infill and redevelopment can be reasonably expected to occur during the next 20 years.

“1.8.4 Work with jurisdictions in the region to determine the extent to which redevelopment and infill can be relied on to meet the identified need for additional urban land.

“1.8.5 Initiate an amendment to the UGB, after the analysis and review in 1.8.3, to meet that portion of the identified need for land not met through commitments for redevelopment and infill

TRANSPORTATION:

**“Objective 2.4 Freight Reliability**

*Maintain reasonable and reliable travel times and access through the region as well as between freight intermodal facilities and destinations within and beyond the region to promote the region’s function as a gateway for commerce.*

**“Objective 2.5 Job Retention and Creation**

*Attract new businesses and family-wage jobs and retain those that are already located in the region.*

**“Objective 3.4 Shipping Choices**

*Support multi-modal freight transportation system that includes air cargo, pipeline, trucking, rail, and marine services to facilitate competitive choices for goods movement for businesses in the region.*

**“Goal 4: Emphasize Effective and Efficient Management of the Transportation System**

*Existing and future multi-modal transportation infrastructure and services are well-managed to optimize capacity, improve travel conditions and address air quality goals.*

**“Goal 5: Enhance Safety and Security**

*Multi-modal transportation infrastructure and services are safe and secure for the public and goods movement.*

**“Objective 5.1 Operational and Public Safety**

*Reduce fatalities, serious injuries and crashes per capita for all modes of travel.*

**“Objective 5.2 Crime**

*Reduce vulnerability of the public, goods movement and critical transportation infrastructure to crime.*

**“Objective 9.2 Maximize Return on Public Investment**

*Make transportation investment decisions that use public resources effectively and efficiently, using performance-based planning.*

**‘Goal 10: Deliver Accountability**

*The region’s government, business, institutional and community leaders work together in an open and transparent manner so the public has meaningful opportunities for input on transportation decisions and experiences an integrated, comprehensive system of transportation facilities and services that bridge governance, institutional and fiscal barriers.*

**“Objective 10.1 Meaningful Input Opportunities**

Provide meaningful input opportunities *for interested and affected stakeholders*, including people who have traditionally been underrepresented, resource agencies, business, institutional and community stakeholders, and local, regional and state jurisdictions that own and operate the region’s transportation system in plan development and review.

**“Objective 10.2 Coordination and Cooperation**

*Ensure representation in regional transportation decision-making is equitable from among all affected jurisdictions and stakeholders and improve coordination and cooperation among the public and private owners and operators of the region’s transportation system so the system can function in a coordinated manner and better provide for state and regional transportation needs.* (Emphases supplied)

**“MANAGEMENT**

**“7.5 Functional Plans**

It is the policy of the Metro Council to:

*“7.5.1 Develop functional plans that are limited purpose plans, consistent with this Plan, which addresses designated areas and activities of metropolitan concern.*

*“7.5.2 Use functional plans as the identified vehicle for requiring changes in city and county comprehensive plans in order to achieve consistence and compliance with this Plan.* Implementation. (Emphases supplied.)

**“8.1 Implementation**

“It is the policy of the Metro Council to:

“8.1.1 Enforce implementation procedures for those provisions of this Plan that are identified as functional plans as follows:

“a. The effective date section of the ordinance adopting this Plan requires city and county comprehensive plans and land use regulations to comply with this Plan within two years after adoption and compliance acknowledgment of this Plan by the Land Conservation and Development Commission.

“b. The Metro Council shall adopt provisions to adjudicate and determine the consistency of local plans with other functional plans as necessary.

“c. The effective date section of the ordinance adopting this Plan requires each city and county within the jurisdiction of Metro to begin making its land use decisions consistent with this Plan one year after compliance acknowledgment of this Plan by the Land Conservation and Development Commission until its comprehensive plan has been

determined to be consistent with this Plan.”

Further, ORS 197.712(2)(c) requires an adequate amount of industrial land and ORS 197.712(d) requires compatible uses be planned near sites zoned for industrial use and incompatible ones kept away. ORS 197.712(2)(g)(B) requires local governments to provide for industrial needs. ORS 197.723(4)(b) prohibits plan or land use regulation amendments that allow conflicting nonindustrial uses in an RSIA. ORS 197.723(4)(c) prohibits decreasing the amount of land in an RSIA – which here would happen under requirements for large setbacks or dedications required for trail land and similar. Additionally, Statewide Planning Goal 9 and its implementing rules forbid conflicting nonindustrial uses from interfering with an RSIA.

Finally, to the extent the IATMP is reflected or adopted as a part of local TSPs or the Regional RTP then the IATMP is contrary to the TPR in OAR 660-012-030(1)(c) that TSPs provide for adequate systems for the movement of goods and services to support industrial development. The proposed trail and related policy which interferes with the systems for movement of goods and services in the TIG RSIA area and no feasible strategy otherwise has been so much as suggested, is contrary to this requirement.

There are no doubt other laws that apply to protect industrial uses in an RSIA. The point of this letter is that there are strong policy and legal reasons to make the requested adjustments to the IATMP to protect the TIG RSIA and balance its needs and those of the region to enjoy the ice age history of the area, for a palatable and fair IATMP.

Thank you for this opportunity to comment. We look forward to working this out and appreciate your willingness to consider TIG’s concerns.

Very truly yours,

Wendie

Wendie L. Kellington

WLK:wlk  
Enclosures submitted at hearing via hand delivery  
CC: Clients



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# 2012 Compliance Report

Metro Code Chapter 3.07 Urban Growth  
Management Functional Plan

and

Metro Code Chapter 3.08 Regional  
Transportation Functional Plan

March 2013



**Metro** | *Making a great place*

## About Metro

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

A regional approach simply makes sense when it comes to making decisions about how the region grows. Metro works with communities to support a resilient economy, keep nature close by and respond to a changing climate. Together we're making a great place, now and for generations to come.

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## TABLE OF CONTENTS

<b>Executive Summary .....</b>	<b>2</b>
<b>Introduction .....</b>	<b>3</b>
<b>Overview.....</b>	<b>3</b>
<b>Urban Growth Management Functional Plan Compliance Status .....</b>	<b>4</b>
<b>Regional Transportation Functional Plan Compliance Status .....</b>	<b>4</b>
<b>Appendices</b>	

## EXECUTIVE SUMMARY

Metro's Urban Growth Boundary Management Functional Plan provides tool and guidance for local jurisdictions to implement regional policies and achieve the goals set out in the region's 2040 Growth Concept. The 2012 Compliance Report summarizes the status of compliance for each city and county in the region with the Metro Code requirements included in the Urban Growth Management Functional Plan and the Regional Transportation Functional Plan. Every city and county in the region is required, if necessary, to change their comprehensive plans or land use regulations to come into compliance with Metro Code requirements within two years of acknowledgement by the Oregon Land Conservation and Development Commission and to remain in compliance. The information in this report confirms the strong partnerships at work in this region to implement regional and local plans.

In 2012, most local governments that had outstanding compliance issues requested and were granted extensions of their compliance deadlines for Urban Growth Management Functional Plan requirements. Beaverton and Tigard took over West Bull Mountain and River Terrace planning, respectively, from Washington County putting Washington County into compliance and leaving Beaverton and Tigard not in compliance.

Ten jurisdictions originally requested deadlines of December 31, 2012 for meeting the requirements of the Regional Transportation Functional Plan. As described below and in Appendix D, four of these jurisdictions have requested extensions until 2013. Five have requested extensions to 2014. All nine jurisdictions were found to meet one of the two criteria: 1) the city or county is making progress towards compliance; or 2) there is good cause for failure to meet the deadline for compliance. Thus all nine of these extensions were granted by Metro's Chief Operating Officer.

The City of Oregon City is the only jurisdiction with a 2012 deadline that did not request an extension. While technically out of compliance, the City has made significant progress in its Transportation System Plan and is nearing completion.

In 2012, four jurisdictions requested exemption from the Regional Transportation Functional Plan. All four jurisdictions were found to meet the criteria for exemption.

## **Metro Code Chapter 3.07 Urban Growth Management Functional Plan and Metro Code Chapter 3.08 Regional Transportation Functional Plan – March 2012**

### **Introduction**

Metro Code 3.07.870 requires the Chief Operating Officer to submit the status of compliance by cities and counties with the requirements of the Metro Code Chapter 3.07 (Urban Growth Management Functional Plan) annually to the Metro Council. In an effort to better integrate land use and transportation requirements, this compliance report includes information on local government compliance with the Regional Transportation Functional Plan (Metro Code Chapter 3.08) as well as the Urban Growth Management Functional Plan (UGMFP).

On December 16, 2010 the Metro Council adopted Ordinance 10-1244B which amended several Urban Growth Management Functional Plan titles. The Land Conservation and Development Commission (LCDC) acknowledged components of the ordinance including changes to the UGMFP in December 2012.

### **Overview**

Per the Metro Code, the Chief Operating Officer (COO) may grant an extension request if a local government meets one of two criteria: 1) the city or county is making progress towards compliance; or 2) there is good cause for failure to meet the deadline for compliance. Currently, a decision by the Land Use Board of Appeals (LUBA) is pending for Spring 2013 regarding Lake Oswego and Title 13.

By statute, cities and counties have two years following the date of acknowledgement of Metro's Regional Transportation Plan (RTP) dated November 24, 2011 to bring their Transportation System Plans (TSPs) into compliance with any new or changed regional requirements. However, Metro exercised its authority under the state's Transportation Planning Rule to extend city and county deadlines beyond the two-year statutory deadline. Metro consulted with each city and county to determine a reasonable timeline for this work and adopted a schedule that is part of the RTP Appendix. The deadlines are phased to take advantage of funding opportunities and the availability of local and Metro staff resources.

Appendix A summarizes the compliance status for all local governments with the requirements of the Urban Growth Management Functional Plan (UGMFP) by the end of 2012.

Appendix B shows the status of Title 11 new urban area planning for areas added to the Urban Growth Boundary (UGB) since 1998.

Appendix C summarizes the compliance dates for each UGMFP title.

Appendix D summarizes the compliance dates for the Regional Transportation Functional Plan (RTFP) in effect as of December 31, 2012.

Appendix E is the Annual Report on Amendments to the Employment and Industrial Areas Map dated January 10, 2013.

## **Urban Growth Management Functional Plan Compliance Status**

**Lake Oswego:** The City of Lake Oswego's removal of their Resource Conservation overlay protections from certain "isolated tree groves" was in violation of Title 13 protections. Metro filed an appeal with the Land Use Board of Appeals (LUBA) regarding the approval of these comprehensive plan and zoning code changes. The parties to the LUBA appeal have agreed to another 60-day extension of the schedule, which set the date for the city to submit the record to LUBA as February 15, 2013.

The City of Lake Oswego has proposed code changes to bring the city into compliance with Title 4. The first hearing was scheduled for the end of January 2013. Compliance with Title 4 is pending approval of these zoning code amendments.

**Sherwood & Tualatin:** Order No.74, Relating to the Request by the Cities of Tualatin and Sherwood to Extend the Time for Planning under Title 11 of the Urban Growth Management Functional Plan for the Area Known as Area 6 was issued August 20, 2012.

**Tigard:** Order No. 75, Relating to the Request by the City of Tigard to Extend the Timeline for Planning under Title 11 of the Urban Growth Management Functional Plan for the West Bull Mountain Concept Plan was issued September 11, 2012.

## **Regional Transportation Functional Plan Compliance Status**

Ten jurisdictions originally requested deadlines of December 31, 2012 for meeting the requirements of the Regional Transportation Functional Plan (RTFP). As described below and in Appendix D, four of these jurisdictions have requested extensions until 2013. Five have requested extensions to 2014. All nine jurisdictions were found to meet one of the two criteria: 1) the city or county is making progress towards compliance; or 2) there is good cause for failure to meet the deadline for compliance. Therefore, all of the extensions requested were approved by the Chief Operating Officer.

### **Jurisdictions with 2012 deadlines that requested extensions until 2013**

#### **Clackamas County**

Clackamas County has been in the process of updating its Transportation System Plan (TSP) since early 2011. The county began the process by laying the ground work for the update by developing a Transportation Framework which guided the TSP update project. Working with a 22-member public advisory committee (PAC), the Board of County Commissioners adopted the "Vision, Goals and Objectives" for the transportation system in April of 2012. The consulting team completed the existing conditions and future conditions review of the system in July of 2012. Presently, the county and the consulting team have worked with the PAC and other members of the public to confirm the full list of projects that will be needed over the next 20 years. Parallel to the work of identifying the needed projects, the county has been reviewing all of their transportation policies to ensure they implement the RTP as well as the vision, goals and objectives for Clackamas County's transportation system

Items that remain to be completed as of October 2012 include identification and finalization of a fiscally constrained project list, completion of review of policies, development of implementation language and adoption of comprehensive plan language changes.

It is anticipated that the recommendations from the PAC will be completed by June 2013 and final adoption of comprehensive plan changes will be done by December 2013. Clackamas County requested, and was granted, a revised deadline of December 31, 2013.

### **Milwaukie**

In June 2012, the city contracted with DKS Associates to address many of the technical components of their TSP update project. The DKS scope of work includes revising the existing conditions and future forecasting chapters in the TSP, as well as updating the sections on future conditions and needs and the motor vehicle plan. DKS has delivered turn-movement counts at three key intersections as well as updates of various figures, tables, and text related to existing conditions and future forecasting.

The city is in the process of finalizing the overall scope of the TSP update project. City staff will incorporate the final DKS deliverables into the TSP and will make other updates to ensure that the TSP, zoning code, and comprehensive plan comply with the requirements of the RTFP. The target for adoption of the needed changes by the Milwaukie City Council is early June 2013. However, to allow for any unforeseen delays, the city requested, and was granted, an extension to December 31, 2013.

### **Tualatin**

The City of Tualatin began their TSP update with a public involvement campaign designed by JLA Public Involvement consultants in Summer 2011. Staff and consultants set out to understand the community's concerns and vision for the city's transportation future. Throughout the summer of 2011, staff had a booth at the city's farmers' market and presented materials at several other community events and additionally had an online map on which they collected comments. The city hired a technical consultant, CH2M Hill in Fall 2011 and with the assistance of the consultant team, formed a task force comprised of citizens, city committee representatives, business representatives, elected officials and agency representatives. The task force began meeting in November of 2011. In Spring 2012, the city held an open house to initiate the working group meetings. Working groups were open to the public and focused on specific transportation topics such as Major Corridors and Intersections, Downtown, Transit, Industrial and Freight, Bicycle and Pedestrian, and Neighborhood Livability. The working groups met three to four times to generate ideas, evaluate, and prioritize projects between April and June 2012.

Starting November 2011, the technical team drafted an existing conditions report and plans and policies analysis. In January 2012, they produced a future conditions analysis and in the spring began developing and screening system options. The technical team presented all of their work to the task force for comments and feedback. Additionally, the Planning Commission, Tualatin Parks Advisory Committee and the City Council received updates and briefings.

As of September 2012, the technical team was drafting and refining project recommendations for the TSP. The project recommendations will come from the Task Force, City Council and the community engaging in decisions about the future of transportation in Tualatin. The city requested, and was granted, an extension until June

2013 to allow time for potential additional public meetings and conversations about what projects to include in the TSP.

### **Wilsonville**

In 2010 the City applied for a Transportation Growth Management (TGM) grant to fund a project to update the city's TSP. The city was awarded an \$185,000 grant, which the City matched with \$50,000 in local funds. The project was delayed due to slow progress by contracting, but the project consultant DKS Associates began work on the project in May 2011.

Significant work has been completed by the project consultants, by city staff and with the community. Of the nine tasks identified in the scope of work, six will be completed by December 2012. Key accomplishments include completion of:

- Existing system inventory
- Needs analysis
- Funding analysis
- Safe Routes to School action plan
- Development and analysis of solutions alternatives
- Two public open houses
- Six technical advisory committee meetings
- Two city council briefings
- Several Planning Commission work sessions
- Draft Planned and Financially Constrained project lists

In 2013 the project team will complete the Planned and Financially Constrained project lists, draft the TSP document and implementing ordinances, and present the package to the Planning Commission and City Council for adoption. The project schedule is to complete these tasks by June 2013. The city requested August 30, 2013 as the revised deadline and was granted an extension until December 31, 2013.

### Jurisdictions with 2012 deadlines that requested extensions until 2014

#### **Fairview**

The main reason that Fairview could not meet the 2012 deadline was due to budget. In the 2012-2013 fiscal year budget cycle, Fairview went from funding two full-time planning positions to funding one half-time planning position. Without the award of the TGM grant to provide funding for hiring a consultant to assist with the TSP update, Fairview needs additional time to either apply for another TGM grant, or to revise the planning work plan to accommodate the addition of the TSP update work requirement.

In the meantime, The City of Fairview has taken measures towards preparing a TSP Update including the following:

- Attended Metro sponsored workshops regarding elements of the RTFP affecting local TSP updates.
- Reviewed current TSP to identify needed areas of improvements/amendments.
- Applied for a TGM grant to assist with the cost of updating Fairview's TSP.



Unfortunately, Fairview was not awarded the TGM grant, and therefore the city requested, and was granted, an extension to December 31, 2014 in order to allow adequate time to complete the required TSP update.

### **Happy Valley**

The City of Happy Valley has spent approximately \$13,000 on consulting work with the Angelo Planning Group (APG) and DKS Associates toward determining the scope of work necessary to create a RTFP-compliant Transportation System Plan (TSP) Update. It is estimated that a RTFP-compliant TSP Update will cost the city between \$75,000 and \$100,000. This amount far exceeds the budgeted amount the city will be able to dedicate towards the TSP update, which will likely take multiple years to complete. This issue is complicated by the removal of the “Sunrise Project” (also referred to as Phase II or Unit II of the Sunrise) extending from roughly 122<sup>nd</sup> Avenue to 172<sup>nd</sup> Avenue from the financially constrained RTP. The removal of this facility from the financially constrained RTP may have serious implications to the city’s TSP, including the removal of the project itself, the removal of the Rock Creek Interchange Access Management Plan (IAMP) and the downgrade and potential removal of a portion of a major arterial (Rock Creek Boulevard – west of 162<sup>nd</sup> Avenue) from the City’s TSP. Due to these budgetary and technical constraints, the city requested (and was granted) a revised deadline of December 31, 2014.

### **Sherwood**

The city has their TSP Update listed in the Capital Improvement Project 5-year listing and has budgeted sufficient funding to perform a complete TSP update in Fiscal Years 2012-2013 & 2013-2014.

The city is also in the process of performing a town center planning study. The scheduled completion date of the Town Center Plan is June 2013. Since the TSP update is based on information developed as part of the Town Center Plan, the city is requesting an extension of the TSP compliance deadline by one year to accommodate the development and use of this information in the update of the TSP.

The city also recently received an ODOT TGM Grant for updating the City’s TSP. The TSP update effort is expected to take 12 – 14 months, thus the city requested, and was granted, an extension to December 31, 2014.

### **Washington County**

Washington County began its TSP update in late 2011. Significant progress has been made toward compliance with the UGMFP. However, additional time is necessary to complete the two-phase planning effort. The following summary of tasks, activities and deliverables demonstrate the progress made to date as well as the scope of work expected to accomplish the TSP update.

#### *By the end of 2011*

- A project team was assembled made up of County staff and a consultant group (DKS Associates and CH2M Hill).

- In December 2011, the Board of County Commissioners appointed two committees: a community advisory committee (CAC) made up of community and stakeholder interests groups, and an interagency coordinating committee (ICC) comprised of cities and agency partners.

By the end of 2012

The County completed phase one of the TSP, including:

- Evaluating existing policies and regulations;
- Refining the travel forecast model;
- Identifying community values; and
- Developing and reviewing with the public, the ICC and CAC, an existing conditions and future needs report.

Phase one involved extensive public outreach and community involvement, including:

- Holding five CAC and two ICC meetings;
- Developing and maintaining a project website – [www.tsp2035.com](http://www.tsp2035.com);
- Holding three open houses in three locations throughout the county and a virtual open house hosted on the project’s website;
- Attending four farmers markets and several other public events;
- Conducting stakeholder interviews with the following interest groups: business representatives (Nike, Intel, Westside Economic Alliance), manufacturing (Sheldon Manufacturing), nursery and agriculture (Fishback Nursery), transit and demand management (Ride Connection and Westside Transportation Alliance), public health and the environment (Kaiser and 1000 Friends of Oregon);
- Collecting public input by creating an interactive online comment map and attending community and interest group meetings;
- Presenting to community and stakeholder interest groups, including: Committee for Citizen Involvement, community participation organizations, Washington County Farm Bureau, Adelante Mujeres, Washington County Urban Road Maintenance District Advisory Committee, Washington County Rural Road Operations and Maintenance Advisory Committee, Westside Economic Alliance and the Westside Transportation Alliance; and
- Holding a community workshop in December to review and discuss future needs.

By the end of 2013

The project team will work closely with the CAC and ICC and build off phase one public involvement efforts by continuing to engage public and interest stakeholders through a variety of methods. The following outlines phase two tasks necessary to complete an update of the TSP:

- Identify, evaluate and select preferred alternatives/solutions;
- Determine funding options;
- Finalize policies;
- Prepare a draft plan;
- File an ordinance; and
- Adopt a plan.

The county anticipates that the remaining tasks noted above can be completed and an updated TSP can be ready to adopt in 2013. However, to provide flexibility for delays during the ordinance and public hearing process, the county requested (and was granted) a new deadline of December 31, 2014.

### **West Linn**

West Linn's current TSP was adopted in 2008, during the early stages of the update to the RTP. As such, the West Linn TSP contains many of the required elements as outlined in the RTFP. There are however a number of missing components in West Linn's TSP (e.g., 2035 planning horizon; compliance with pedestrian system design and essential community destinations; compliance with Transportation System Management Objectives (TSMO); and performance targets for multiple transportation modes and valuation criteria that will be required to bring the TSP into compliance with the RTFP. In anticipation of the RTFP compliance mandate, West Linn applied for but was denied TGM grant funds in 2011 and in 2012. As part of the TGM grant work, the city completed an evaluation of existing deficiencies in the TSP and prepared a detailed work program to implement an update that complies with the RTFP. The city does not have enough money available to complete this work without an outside source of funding and is planning to apply for a TGM grant in 2013. In the meantime, the city will continue to explore alternative sources of funding to complete this work. For these reasons the city requested, and was granted, an extension until December 31, 2014 to complete its TSP update.

### Other jurisdictions with 2012 deadline

#### **Oregon City**

The City of Oregon City is the only jurisdiction with a 2012 deadline that did not request an extension. While technically out of compliance, the city has made significant progress with its TSP and is nearing completion. The city began their update to the TSP in June 2011. The city completed an internal draft TSP document in December 2012 and expected to publish it for public review in January 2013. In early 2013 city staff will conduct work sessions with their Planning Commission and City Commissioners to receive feedback before final adoption hearings begin. They expect to have the adoption hearing and complete this TSP update no later than June 30, 2013.

### Jurisdictions requesting exemption from RTFP

In 2012, four jurisdictions requested exemption from the RTFP: Durham, Johnson City, King City and Rivergrove. All four jurisdictions were found to meet the criteria:

1. The city or county's transportation system is generally adequate to meet transportation needs;
2. Little population or employment growth is expected over the period of the exemption;
3. The exemption would not make it more difficult to accommodate regional or state transportation needs; and
4. The exemption would not make it more difficult to achieve the performance objectives set forth in section 3.08.010A of the RTFP.

## APPENDIX A

### Summary of Compliance Status as of December 31, 2012 (UGMFP effect as of 12/15/2010)

<b>Entity</b>	<b>Title 1 Housing Capacity</b>	<b>Title 2 <sup>1</sup> Parking Management</b>	<b>Title 3 Water Quality &amp; Flood Management</b>	<b>Title 4 Industrial and other Employment Land</b>	<b>Title 6 <sup>2</sup> Centers, Corridors, Station Communities &amp; Main Streets</b>	<b>Title 7 Housing Choice</b>	<b>Title 11 Planning for New Urban Areas</b> <small>(see Appendix B for detailed information)</small>	<b>Title 13 Nature in Neighborhoods</b>
Beaverton	In compliance	See footnote	In compliance	In compliance	See footnote	In compliance	Cooper Mountain Plan not in compliance	In compliance
Cornelius	In compliance	See footnote	In compliance	In compliance	See footnote	In compliance	In compliance	In compliance
Damascus	Extended to 12/31/2013	See footnote	Extended to 12/31/2013	Extended to 12/31/2013	See footnote	Extended to 12/31/2013	Extended to 12/31/2013	Extended to 12/31/2013
Durham	In compliance	See footnote	In compliance	In compliance	See footnote	In compliance	Not applicable	In compliance
Fairview	In compliance	See footnote	In compliance	In compliance	See footnote	In compliance	Not applicable	In compliance
Forest Grove	In compliance	See footnote	In compliance	In compliance	See footnote	In compliance	In compliance	In compliance
Gladstone	In compliance	See footnote	In compliance	In compliance	See footnote	In compliance	Not applicable	In compliance
Gresham	In compliance	See footnote	In compliance	In compliance	See footnote	In compliance	In compliance	In compliance
Happy Valley	In compliance	See footnote	In compliance	In compliance	See footnote	In compliance	In compliance	In compliance
Hillsboro	In compliance	See footnote	In compliance	In compliance	See footnote	In compliance	In compliance	In compliance
Johnson City	In compliance	See footnote	In compliance	In compliance	See footnote	In compliance	Not applicable	In compliance
King City	In compliance	See footnote	In compliance	In compliance	See footnote	In compliance	In compliance	In compliance
Lake Oswego	In compliance	See footnote	In compliance	Pending final city action	See footnote	In compliance	Not applicable	Pending LUBA decision 2/2013
Maywood Park	In compliance	See footnote	In compliance	In compliance	See footnote	In compliance	Not applicable	In compliance
Milwaukie	In compliance	See footnote	In compliance	In compliance	See footnote	In compliance	Not applicable	In compliance
Oregon City	In compliance	See footnote	In compliance	In compliance	See footnote	In compliance	Extended to 6/30/2014 for Beavercreek Rd and South End	In compliance
Portland	In compliance	See footnote	In compliance	In compliance	See footnote	In compliance	In compliance	In compliance*
Rivergrove	In compliance	See footnote	In compliance	In compliance	See footnote	In compliance	Not applicable	In compliance
Sherwood	In compliance	See footnote	In compliance	In compliance	See footnote	In compliance	In compliance	In compliance

<sup>1</sup> While Title 2 was removed from the Urban Growth Management Functional Plan through Ordinance 10-1244B, the requirements of Title 2 were added to the Regional Transportation Functional Plan (Metro Code 3.08) in the same ordinance. Compliance with parking requirements should be addressed in each local government's Transportation System Plan.

<sup>2</sup> Once acknowledged by LCDC, Title 6 will be an incentive approach and only those local governments wanting a regional investment (currently defined as a new high-capacity transit line) will need to comply.

<b>Entity</b>	<b>Title 1 Housing Capacity</b>	<b>Title 2 <sup>1</sup> Parking Management</b>	<b>Title 3 Water Quality &amp; Flood Management</b>	<b>Title 4 Industrial and other Employment Land</b>	<b>Title 6 <sup>2</sup> Centers, Corridors, Station Communities &amp; Main Streets</b>	<b>Title 7 Housing Choice</b>	<b>Title 11 Planning for New Urban Areas</b> <small>(see Appendix B for detailed information)</small>	<b>Title 13 Nature in Neighborhoods</b>
Tigard	In compliance	See footnote	In compliance	In compliance	See footnote	In compliance	River Terrace Plan not in compliance	In compliance
Troutdale	In compliance	See footnote	In compliance	In compliance	See footnote	In compliance	Not applicable	In compliance
Tualatin	In compliance	See footnote	In compliance	In compliance	See footnote	In compliance	Area 61 extended to 12/31/21; Basalt Creek extended to 9/30/2016	In compliance
West Linn	In compliance	See footnote	In compliance	In compliance	See footnote	In compliance	Not applicable	In compliance
Wilsonville	In compliance	See footnote	In compliance	In compliance	See footnote	In compliance	East Wilsonville Extended to 12/31/2015; Basalt Creek extended to 9/30/2016	In compliance
Wood Village	In compliance	See footnote	In compliance	In compliance	See footnote	In compliance	Not applicable	In compliance
Clackamas County	In compliance	See footnote	In compliance	In compliance	See footnote	In compliance	Not applicable	In compliance
Multnomah County	In compliance	See footnote	In compliance	In compliance	See footnote	In compliance	Area 93 extended to 6/2/2021	In compliance
Washington County	In compliance	See footnote	In compliance	In compliance	See footnote	In compliance	In compliance	In compliance

\*Letter dated 1/16/13 sent to Portland stating it was in full compliance with Title 13 for 2012.

<sup>1</sup> While Title 2 was removed from the Urban Growth Management Functional Plan through Ordinance 10-1244B, the requirements of Title 2 were added to the Regional Transportation Functional Plan (Metro Code 3.08) in the same ordinance. Compliance with parking requirements should be addressed in each local government's Transportation System Plan.

<sup>2</sup> Once acknowledged by LCDC, Title 6 will be an incentive approach and only those local governments wanting a regional investment (currently defined as a new high-capacity transit line) will need to comply.

**2012 COMPLIANCE REPORT, APPENDIX B  
TITLE 11 NEW AREA PLANNING COMPLIANCE  
(As of December 31, 2012)**

<b>Project</b>	<b>Lead Government(s)</b>	<b>Compliance</b>	<b>Status</b>
<b>1998 UGB Expansion</b>			
Rock Creek Concept Plan	Happy Valley	yes	Concept plan and implementation measures completed; development on-going.
Pleasant Valley Concept Plan	Gresham and Portland	yes	Concept plan and implementation measures completed; city annexed 524 acres and development to begin in eastern section.
<b>1999 UGB Expansion</b>			
Witch Hazel Community Plan	Hillsboro	yes	Concept plan and implementation measures completed; development on-going.
<b>2000 UGB Expansion</b>			
Villebois Village	Wilsonville	yes	Concept plan and implementation measures completed; development on-going.
<b>2002 UGB Expansion</b>			
Springwater Community Plan	Gresham	yes	Concept plan and implementation measures completed for this mostly industrial area; waiting annexation & development.
Damascus/Boring Concept Plan	Happy Valley	yes	HV portion: Concept plan and implementation measures completed; waiting annexation and development.
	Damascus	DCLD extension to June 2014; FP extension to 12/31/13; Concept Plan extension to 7/31/14	Damascus portion: Comprehensive plan map approved, then overturned by vote; city working on next steps to comply with DLCD deadline of June 2014. NOTE: City has UGMFP extension to 12/31/13 and Concept Plan extension to 7/31/14.
	Gresham	yes	Gresham portion, called Kelley Creek Headwaters Plan, was adopted by city in 2009.
Park Place Master Plan	Oregon City	yes	Concept plan and implementation measures completed; waiting annexation & development
Beavercreek Road	Oregon City	Extension to 6/30/14	Concept plan is completed and accepted by Metro; City has put on hold adoption of the final implementing ordinances pending LUBA appeal and work load.
South End Road	Oregon City	Extension to 6/30/14	Concept plan work underway; expected completion Sept 2013.
East Wilsonville (Frog Pond area)	Wilsonville	Extension to 12/31/15	City initially completed site analysis w/private builders in 2008; currently City is evaluating and budgeting for major sewer upgrade for eastern portion of City which must be completed before planning and development of site.
Coffee Creek 1 (NW Wilsonville)	Wilsonville	yes	Concept plan and implementation measures completed, including master plan for area adopted, for this industrial area; waiting development.
NW Tualatin Concept Plan (Cipole Rd & 99W)	Tualatin	yes	Concept plan and implementation measures completed for this small industrial area.
SW Tualatin Concept Plan	Tualatin	yes	Concept plan and implementation measures completed for this industrial area.
Brookman Concept Plan	Sherwood	yes	Concept Plan and implementation measures completed; waiting development
<b>Project</b>	<b>Lead</b>	<b>Compliance</b>	<b>Status</b>

	<b>Government(s)</b>		
Study Area 59	Sherwood	yes	Concept plan and implementation measures completed; school constructed.
Study Area 61 (Cipole Rd)	Tualatin	Extension to 12/31/2021	Extension agreement – planning shall be completed when Urban Reserve 5A is completed, or by 12/31/2021, whichever is sooner.
99W Area (near Tualatin-Sherwood Rd)	Sherwood	yes	Concept plan and implementation measures completed.
King City	King City	yes	Concept plan and implementation measures completed; annexed to city with portion developed as park and rest in floodplain.
West Bull Mountain Concept Plan	Wash County/ Tigard	Extension to 11/30/12	Concept plan adopted by County and City of Tigard; city working to finalize re-named River Terrace Community Plan and code work; expected completion July 2014.
Cooper Mountain area	Beaverton	Extension to 11/30/12	Wash County & Beaverton signed IGA in January 2013 transferring responsibility to City; City to start concept planning in spring 2013, and is in process of applying for an extension.
Study Area 64 (14 acres north of Scholls Ferry Rd)	Beaverton	yes	Concept plan and implementation measures completed; annexed to City.
Study Area 69 & 71	Hillsboro	yes	Areas are included in South Hillsboro Area Plan. City has adopted these areas into its comprehensive plan; upon annexation, they will be zoned to comply with comp plan.
Study Area 77	Cornelius	yes	Concept plan and implementation measures completed; annexed to City.
Forest Grove Swap	Forest Grove	yes	Concept plan and implementation measures completed; annexed to City.
Shute Road Concept Plan	Hillsboro	yes	Concept plan and implementation measures completed; annexed to City and portion developed with Genentech.
North Bethany Subarea Plan	Washington County	yes	Concept plan and implementation measures completed.
Bonny Slope West Concept Plan (Area 93)	Multnomah County	Extension to 6/2/21 or 2 yrs after agreement w/other govt, whichever earlier	Concept plan map developed though not yet adopted by Board of Commissioners; extension order issued by Metro based on difficulty of deciding on service provider(s).
<b>2004/2005 UGB Expansion</b>			
Damascus area	Damascus	See under 2002 above	Included with Damascus comp plan (see above)
Tonquin Employment Area	Sherwood	yes	Concept plan and implementation measures completed.
Basalt Creek/West RR Area Concept Plan	Tualatin and Wilsonville	Extension to 9/30/16	Cities scheduled to begin planning in early 2013.

<b>Project</b>	<b>Lead Government(s)</b>	<b>Compliance</b>	<b>Status</b>
N. Holladay Concept Plan	Cornelius	yes	Concept plan completed; implementation to be finalized after annexation to City.
Evergreen Concept Plan	Hillsboro	yes	Concept plan and implementation measures completed.
Helvetia Concept Plan	Hillsboro	yes	Concept plan and implementation measures completed.
<b>2011 UGB Expansion</b>			
North Hillsboro	Hillsboro	yes	Concept planning completion due January 2014.
South Hillsboro	Hillsboro	yes	Concept planning completion due January 2014.
South Cooper Mountain	Beaverton	yes	Concept planning to begin in spring 2013; expected completion fall 2014
Roy Rogers West	Tigard	yes	Concept planning underway; expected completion July 2014.



**APPENDIX C:  
COMPLIANCE DATES FOR THE  
URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN**

<b>Functional Plan Requirement</b>	<b>When Local Decisions Must Comply</b>		
	<b>Plan/Code Amendment</b> 3.07.810(C) <sup>1</sup>	<b>Land Use Decision</b> 3.07.810(D) <sup>2</sup>	<b>Adoption</b> 3.07.810(B) <sup>3</sup>
<b>Title 1:</b> Adopt minimum dwelling unit density (3.07.120.B)	12/21/2013	12/21/2013	12/21/2014
<b>Title 1:</b> Allow accessory dwelling unit in SFD zones (3.07.120.G) <i>(provision included in previous version of Metro Code as 3.07.140.C)</i>	12/8/2000		12/8/2002
<b>Title 3:</b> Adopt model ordinance or equivalent and map or equivalent (3.07.330.A)	12/8/2000		12/8/2002
<b>Title 3:</b> Floodplain management performance standards (3.07.340.A)	12/8/2000	12/8/2001	12/8/2002
<b>Title 3:</b> Water quality performance standards (3.07.340.B)	12/8/2000	12/8/2001	12/8/2002

<sup>1</sup> After one year following acknowledgment of a UGMFP requirement, cities and counties that amend their plans and land use regulations shall make such amendments in compliance with the new functional plan requirement.

<sup>2</sup> A city or county that has not yet amended its plan to comply with a UGMFP requirement must, following one year after acknowledgement of the requirement (the date noted), apply the requirement directly to land use decisions

<sup>3</sup> Cities and counties must amend their plans to comply with a new UGMFP requirement within two years after acknowledgement of the requirement (the date noted)

<b>Functional Plan Requirement</b>	<b>When Local Decisions Must Comply</b>		
	<b>Plan/Code Amendment</b> 3.07.810(C) <sup>1</sup>	<b>Land Use Decision</b> 3.07.810(D) <sup>2</sup>	<b>Adoption</b> 3.07.810(B) <sup>3</sup>
<b>Title 3:</b> Erosion control performance standards 3.07.340.C)	12/8/2000	12/8/2001	12/8/2002
<b>Title 4:</b> Limit uses in Regionally Significant Industrial Areas (3.07.420)	7/22/2005	7/22/2006	7/22/2007
<b>Title 4:</b> Prohibit schools, places of assembly larger than 20,000 square feet, or parks intended to serve people other than those working or residing in the area in Regional Significant Industrial Areas (3.07.420D)	12/21/2013	12/21/2013	12/21/2014
<b>Title 4:</b> Limit uses in Industrial Areas (3.07.430)	7/22/2005	7/22/2006	7/22/2007
<b>Title 4:</b> Limit uses in Employment Areas (3.07.440)	7/22/2005	7/22/2006	7/22/2007
<b>Title 6:</b> (Title 6 applies only to those local governments seeking a regional investment or seeking eligibility for lower mobility standards and trip generation rates)			
<b>Title 7:</b> Adopt strategies and measures to increase housing opportunities (3.07.730)			6/30/2004
<b>Title 8:</b> Compliance Procedures (45-day notice to Metro for amendments to a comprehensive plan or land use regulation) (3.07.820)	2/14/2003		

<b>Functional Plan Requirement</b>	<b>When Local Decisions Must Comply</b>		
	<b>Plan/Code Amendment</b> 3.07.810(C) <sup>1</sup>	<b>Land Use Decision</b> 3.07.810(D) <sup>2</sup>	<b>Adoption</b> 3.07.810(B) <sup>3</sup>
<b>Title 11:</b> Develop a concept plan for urban reserve prior to its addition to the UGB  (3.07.1110)	N/A	N/A	N/A
<b>Title 11:</b> Prepare a comprehensive plan and zoning provisions for territory added to the UGB  (3.07.1120)	12/8/2000	12/8/2001	2 years after the effective date of the ordinance adding land to the UGB unless the ordinance provides a later date
<b>Title 11:</b> Interim protection for areas added to the UGB  (3.07.1130) <i>(provision included in previous version of Metro Code as 3.07.1110)</i>	12/8/2000	12/8/2001	12/8/2002
<b>Title 12:</b> Provide access to parks by walking, bicycling, and transit  (3.07.1240.B)			7/7/2005
<b>Title 13:</b> Adopt local maps of Habitat Conservation Areas consistent with Metro-identified HCAs  (3.07.1330.B)	12/28/2005	1/5/2008	1/5/2009
<b>Title 13:</b> Develop a two-step review process (Clear & Objective and Discretionary) for development proposals in protected HCAs  (3.07.1330.C & D)	12/28/2005	1/5/2008	1/5/2009
<b>Title 13:</b> Adopt provisions to remove barriers to, and encourage the use of, habitat-friendly development practices  (3.07.1330.E)	12/28/2005	1/5/2008	1/5/2009



## APPENDIX D

### Summary of Compliance Status

#### (Regional Transportation Functional Plan in effect as of 12/31/12)

	<b>Title 1 Transportation System Design</b>	<b>Title 2 Development and Update of Transportation System Plans</b>	<b>Title 3 Transportation Project Development</b>	<b>Title 4 Regional Parking Management</b>	<b>Title 5 Amendment of Comprehensive Plans</b>
Beaverton	In compliance	In compliance	In compliance	In compliance	In compliance
Cornelius	12/31/13	12/31/13	12/31/13	12/31/13	12/31/13
Damascus	12/31/14	12/31/14	12/31/14	12/31/14	12/31/14
Durham	Exempt	Exempt	Exempt	Exempt	Exempt
Fairview	12/31/14	12/31/14	12/31/14	12/31/14	12/31/14
Forest Grove	12/31/13	12/31/13	12/31/13	12/31/13	12/31/13
Gladstone	12/31/13	12/31/13	12/31/13	12/31/13	12/31/13
Gresham	12/31/13	12/31/13	12/31/13	12/31/13	12/31/13
Happy Valley	12/31/14	12/31/14	12/31/14	12/31/14	12/31/14
Hillsboro	12/31/13	12/31/13	12/31/13	12/31/13	12/31/13
Johnson City	Exempt	Exempt	Exempt	Exempt	Exempt
King City	Exempt	Exempt	Exempt	Exempt	Exempt
Lake Oswego	12/31/13	12/31/13	12/31/13	12/31/13	12/31/13
Maywood Park	Recommending exemption	Recommending exemption	Recommending exemption	Recommending exemption	Recommending exemption
Milwaukie	12/31/13	12/31/13	12/31/13	12/31/13	12/31/13
Oregon City	Not in compliance	Not in compliance	Not in compliance	Not in compliance	Not in compliance
Portland	12/31/14	12/31/14	12/31/14	12/31/14	12/31/14
Rivergrove	Exempt	Exempt	Exempt	Exempt	Exempt
Sherwood	12/31/14	12/31/14	12/31/14	12/31/14	12/31/14
Tigard	In compliance	In compliance	In compliance	In compliance	In compliance
Troutdale	12/31/13	12/31/13	12/31/13	12/31/13	12/31/13
Tualatin	6/30/13	6/30/13	6/30/13	6/30/13	6/30/13
West Linn	12/31/14	12/31/14	12/31/14	12/31/14	12/31/14
Wilsonville	12/31/13	12/31/13	12/31/13	12/31/13	12/31/13
Wood Village	12/31/14	12/31/14	12/31/14	12/31/14	12/31/14
Clackamas County	12/31/13	12/31/13	12/31/13	12/31/13	12/31/13
Multnomah County	12/13/14	12/31/14	12/31/14	12/31/14	12/31/14
Washington County	12/31/14	12/31/14	12/31/14	12/31/14	12/31/14

*Date shown in table is the deadline for compliance with the RTFP. Note – a city or county that has not yet amended its plan to comply with the RTFP must, following one year after RTFP acknowledgement, apply the RTFP directly to land use decisions.*



## Metro | Memo

Date: January 10, 2013  
To: Metro Council, MPAC  
From: Martha Bennett, Chief Operating Officer *MAB*  
Subject: 2012 annual report on amendments to the Employment and Industrial Areas Map

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### Background

Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan seeks to improve the region's economy by protecting a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas, Industrial Areas, and Employment Areas. Those areas are depicted on the Employment and Industrial Areas Map.

Title 4 sets forth several avenues for amending the map, either through a Metro Council ordinance or through an executive order, depending on the circumstances. Title 4 requires that, by January 31 of each year, Metro's Chief Operating Officer submit a written report to the Council and MPAC on the cumulative effects on employment land in the region of amendments to the Employment and Industrial Areas Map during the preceding year. This memo constitutes the report for 2012.

### Summary of Title 4 map amendments in 2012

During 2012, no Title 4 Map amendments were made by executive order. In 2012, there were three separate ordinances approved by the Metro Council that amended the Title 4 Map to reflect existing uses, local plans, or zoning designations<sup>1</sup>. These amendments responded to requests from the cities of Fairview, Forest Grove, Happy Valley, Hillsboro, Portland, Troutdale, Tualatin, and Wood Village and Washington County. The cumulative effect of the three ordinances is summarized in Table 1. The bulk of the changes took place in a map cleanup ordinance adopted in October.

**Table 1: summary of Title 4 Map changes adopted in 2012**

Adopted change	Gross acres (not all acres are vacant)
Newly added to Title 4 map	132
Change from one Title 4 designation to another	252
Removal of Title 4 designation	1,042

### Chief Operating Officer recommendations for 2013

There are currently about 49,000 acres designated on the Title 4 Map, representing about one-fifth of the acres inside the urban growth boundary<sup>2</sup>. Staff does not believe that the Title 4 Map amendments made in 2012 represent a cumulative erosion of the region's employment capacity. Therefore, staff does not, at this time, recommend changes to Title 4 policies.

<sup>1</sup> Ordinance Nos. 12-1284 (various jurisdictions), 12-1288 (Happy Valley), 12-1290 (Troutdale)

<sup>2</sup> These acreage figures are primarily for land, but do include acres of water. They are cited here for general context.