

 **Metro | Agenda**

Meeting: Metro Council
Date: Thursday, Oct. 24, 2013
Time: 2 p.m.
Place: Metro, Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATION

3. FY 2012-2013 ANNUAL AUDIT REPORT

Suzanne Flynn, Metro Auditor

**4. NATURAL AREAS PROGRAM PERFORMANCE
OVERSIGHT COMMITTEE REPORT**

**Drake Butsch, Committee Chair
Peter Mohr, Committee Member**

**5. CONSIDERATION OF THE COUNCIL MINUTES FOR
OCT. 10, 2013**

6. ORDINANCES – FIRST READING

6.1 Ordinance No. 13-1317, For the Purpose of
Amending Metro Code Chapter 7.02 (Financing
Powers).

6.2 Ordinance No. 13-1319, For the Purpose of
Amending Metro Code Chapter 2.16 (Naming of
Facilities).

6.3 Ordinance No. 13-1320, For the Purpose of
Amending Metro Code Title IV (Oregon Zoo
Regulations) and Metro Code Chapter 2.14 (Facilities
Related Parking-Policy and Regulations).

7. RESOLUTIONS

7.1 Resolution No. 13-4469, For the Purpose of
Approving the City of Wilsonville Tax Increment
Financing Request for Five Urban Renewal Areas.

Tim Collier, Metro

8. CHIEF OPERATING OFFICER COMMUNICATION

9. COUNCILOR COMMUNICATION

ADJOURN

**EXECUTIVE SESSION HELD PURSUANT WITH ORS 192.660 2
(h). TO CONSULT WITH COUNSEL CONCERNING THE LEGAL
RIGHTS AND DUTIES OF A PUBLIC BODY WITH REGARD TO
CURRENT LITIGATION OR LITIGATION LIKELY TO BE
FILED.**

Television schedule for Oct. 24, 2013 Metro Council meeting

Clackamas, Multnomah and Washington counties, and Vancouver, WA Channel 30 – Community Access Network <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> Thursday, Oct. 24	Portland Channel 30 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 <i>Date:</i> Sunday, Oct. 27, 7:30 p.m. <i>Date:</i> Monday, Oct. 28, 9 a.m.
Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 <i>Date:</i> Monday, Oct. 28, 2 p.m.	Washington County Channel 30– TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> Saturday, Oct. 26, 11 p.m. <i>Date:</i> Sunday, Oct. 27, 11 p.m. <i>Date:</i> Tuesday, Oct. 29, 6 a.m. <i>Date:</i> Wednesday, Oct. 30, 4 p.m.
Oregon City, Gladstone Channel 28 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.	West Linn Channel 30 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.

PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.

Agenda items may not be considered in the exact order. For questions about the agenda, call 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 and click on public comment opportunities.

Metro's nondiscrimination notice

Metro respects civil rights. Metro fully complies with Title VI of the Civil Rights Act of 1964 that bans discrimination on the basis of race, color or national origin. For more information on Metro's civil rights program, or to obtain a Title VI complaint form, visit www.oregonmetro.gov/civilrights or call 503-797-1536. Metro provides services or accommodations upon request to persons with disabilities and people who need an interpreter at public meetings. All Metro meetings are wheelchair accessible. If you need a sign language interpreter, communication aid or language assistance, call 503-797-1536 or TDD/TTY 503-797-1804 (8 a.m. to 5 p.m. weekdays) 7 business days in advance of the meeting to accommodate your request. For up-to-date public transportation information, visit TriMet's website at www.trimet.org.

Agenda Item No. 3.0

FY 2012-2013 Annual Audit Report

Metro Council Meeting
Thursday, Oct. 24, 2013
Metro, Council Chamber



Office of the Auditor
Annual Report
FY 2012-13

Suzanne Flynn, Auditor
October 2013

Office responsibilities and staff

Purpose

The purpose of the Metro Auditor's Office is to ensure that Metro operations comply with laws and regulations, assets are safeguarded and services are delivered effectively and efficiently. The Office achieves this by conducting performance audits. Performance audits provide objective analysis so that management and the Metro Council can use the information to improve program performance, reduce costs, facilitate decision-making and contribute to public accountability. The office also administers the contract with the external auditor and manages the ethics reporting hotline.

Communication and transparency

Additionally, the Office provides transparency in government. Audit reports give the Council and public a better understanding of Metro operations. Audit findings and recommendations are presented publicly before the Council and are intended to assist the Council and Chief Operating Officer in making improvements that will better serve the public. Audit reports are published on the Metro Auditor's web page and the media are notified.

The Office includes the elected Auditor, four staff auditors and an administrative assistant:

- Suzanne Flynn, *Metro Auditor*
- Brian Evans, *Principal Management Auditor*
- Mary Hull Caballero, *Principal Management Auditor*
- Kathryn Nichols, *Senior Management Auditor*
- Angela Owens, *Senior Management Auditor*
- Lisa Braun, *Administrative Assistant*

Performance measures

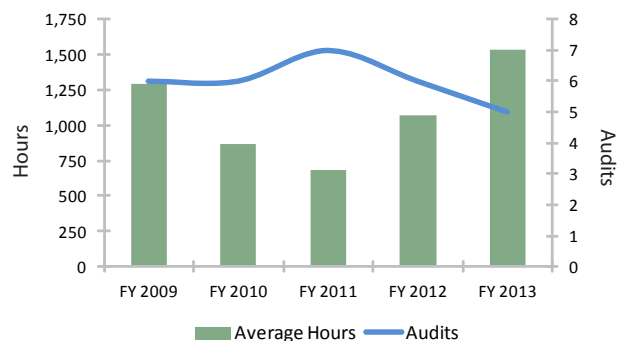
The Audit Office's performance is measured by reviewing results in the following areas:

- Average hours to complete an audit and number of audits completed each fiscal year
- Total auditor hours per department
- Audits completed per full time equivalent (FTE) employee
- Audit recommendation implementation rate within five years after completion of an audit

Average hours per audit and number of audits

Audits vary in length, depending on their scope and complexity. In FY 2012-13, five audits were completed. The hours required to complete those audits ranged from 56 to 5,324 hours and averaged 1,499 hours.

The average time to complete an audit in FY 2012-13 was higher than other years due to the complexity of an audit completed in that year.



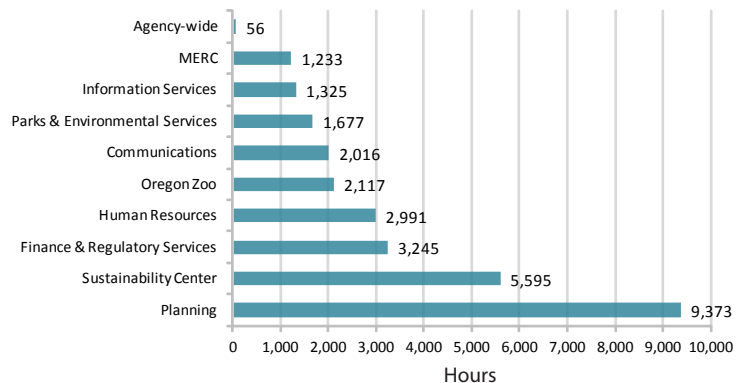
Audit hours by department

FY 2008-09 to FY 2012-13

One consideration when audits are placed on the audit schedule is the number of audit hours spent in a department in past years. Other criteria are:

- Potential for savings or improvement
- Interest of Council or public
- Potential for loss

Some programs are more complicated and require more hours to audit. The office also may spend more audit hours in larger departments, as there are more programs to audit.



Audits per FTE

Staff hours available and the audit focus determine the number of audits that can be completed each year. The length of time to complete an audit is affected by the complexity of the subject and size of the program. In FY 2012-13, 1.3 audits per FTE were completed, down from 1.5 the prior year. This downward trend in the past two years was due to a highly complex and detailed audit conducted over that time period.

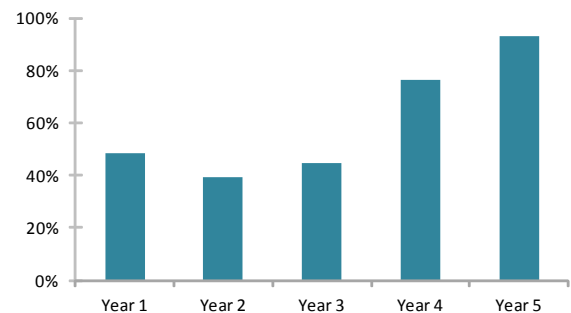


Recommendation implementation rate

(1-5 years after audit issued)

The office surveys program managers annually to report on the status of recommendations. That data is used to track the percent of recommendations reported as implemented from one to five years after the audit was issued. Implementation rates are adjusted after the Office completes a follow-up audit.

A positive trend would show the percentage increasing as time from audit completion increases. According to the most recent survey, 93% of recommendations from audits completed five years earlier were implemented.



Audits released

The office completed five audit reports in FY 2012-13, which included four full audits and one follow-up audit. There were a total of 17 recommendations made. The audit reports released were entitled:

- Ethics Line Case 66 (July 2012) *Auditor: Flynn*
- Span of Control (November 2012) *Auditor: Evans*
- Risk Management (January 2013) *Auditor: Anderson*
- Payroll & Benefits Follow-up Audit (May 2013) *Auditor: Evans*
- Tracking Transportation Project Outcomes (June 2013) *Audit team: Hull Caballero, Lieber, Callero*

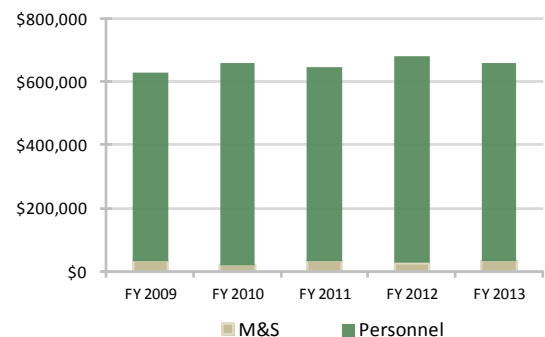
Audit schedule, FY 2013-14

The following audit schedule reflects audits to be completed this fiscal year.

Audit Title	Start Date	Actual/Estimated Completion Date
IT Software Controls Follow-up Audit	1/24/2013	7/24/2013
Organics Waste Program	10/23/2012	October 2013
Blue Lake Visitors' Experience	5/16/2013	suspended
Opt in/Public Engagement Follow-up Audit	7/16/2013	TBD
MWESB Procurement	8/13/2013	TBD
Asset Management	TBD	TBD
Recycling Hotline	TBD	TBD

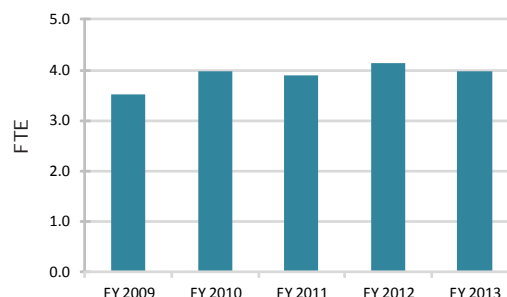
Expenditure (adjusted for inflation)

Expenditures were mostly unchanged from last year. Spending on materials and services accounted for 4.8% of the total, up from 3.7% in FY 2011-12. This increase was due to expenses incurred for a Peer Review completed by an outside team.



Staffing available

This graph represents actual audit staff hours available. In FY 2012-13, there were 8,031 staff hours available, the equivalent of 3.96 FTE. This was a slight decrease from last year, due to staffing changes.



Peer Review

An external audit team conducted a Peer Review in December 2012. They reviewed audits released during the time period December 2009 through October 2012 and determined the Metro Auditor's Office fully complied with Generally Accepted Government Auditing Standards. The next peer review will be in 2015.

Award-winning audit

The Office of the Metro Auditor was the recipient of the 2012 Gold Knighton Award for best audit in the Small Shop category. The audit winning the award was titled "*Metro's Natural Areas: Maintenance strategy needed.*" Each year, the Association of Local Government Auditors presents awards for audit excellence. Since 2000, the office has won a total of eleven awards from the Association.

Mission and values

Our mission is to:

- *Ensure that Metro is accountable to the public;*
- *Ensure that Metro's activities are transparent; and*
- *Improve the efficiency, effectiveness and quality of Metro services and activities.*

We do this by:

- *Conducting independent and objective audits, and*
- *Reporting our findings and recommendations.*

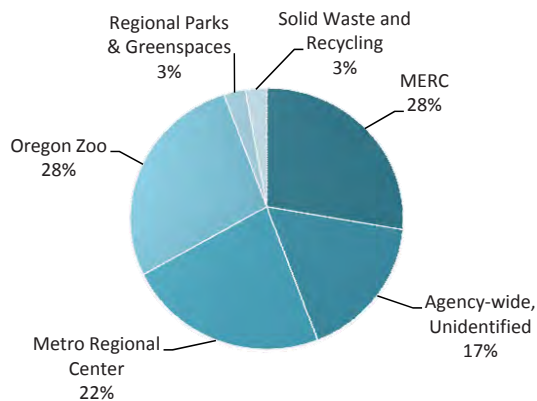
It is our vision to be relevant and efficient, choosing the right areas to audit and completing audits quickly so that Metro can continually improve its services and be accountable to the public.

Values:

- *Professionalism*
- *Wise and equitable use of resources*
- *Supporting findings with fact*
- *Balanced perspectives*
- *Ethical behavior*
- *Being open minded*
- *Respecting others*
- *Credibility*

Ethics Line summary

The Ethics Line gives employees and citizens an avenue to report misconduct, waste or misuse of resources. The Metro Auditor administers the Ethics Line in consultation with a steering committee comprised of key Metro management.



Location of occurrence

FY 2008-09 to FY 2012-13

Ethics line reporters are able to identify the department or program where the incident occurred. A five-year summary of reporting areas are shown in this chart.

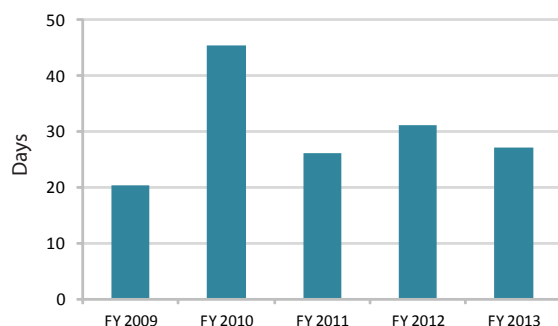
Results

FY 2008-09 to FY 2012-13

As new cases are received, they are usually assigned to Metro management to investigate. At any time, the Auditor can also initiate an independent audit. The results of the investigation are posted on the Ethics Line system for the complainant to view. Any audit conducted is published on the Auditor's web site.

In the past five years, 72 reports have been received. Of the 62 cases investigated, 35 were unfounded. The actions taken in the other cases ranged from conducting an audit to no action taken, except to communicate information to the reporter.

Not investigated - Inadequate information	3
Not investigated - Out of jurisdiction	5
Successfully investigated	62
Withdrawn by reporter	2
Total	72



Average days to close

The number of ethics line cases received each year varied. The highest number to date was 23 reports in FY 2009-10. According to best practices, cases should be resolved in 30 days or less to be responsive to the person reporting. Since FY 2010-11, this standard has mostly been met.



FY 2012-13 Annual Report

Office of the Auditor

Accomplishments

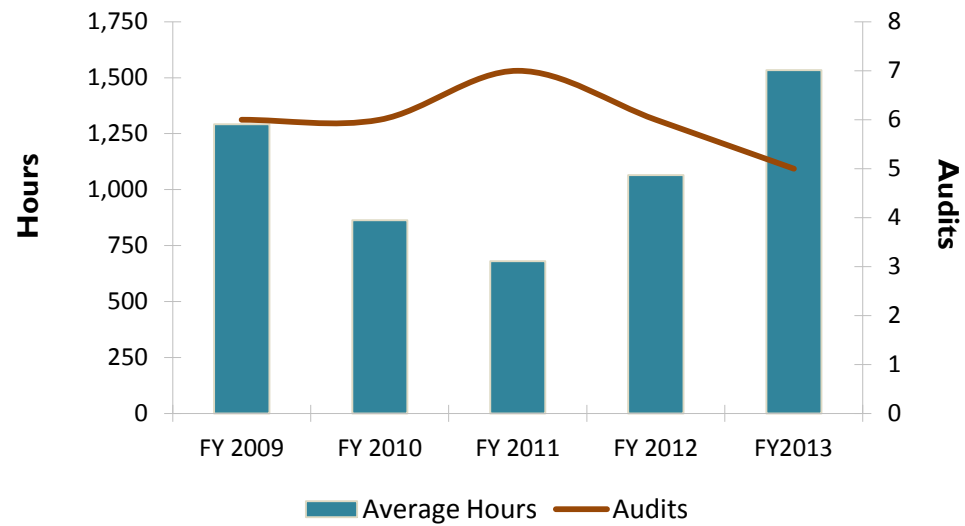
- ✓ Completed five audits
- ✓ 93% of recommendations implemented
- ✓ Received gold award for audit report “Natural Areas Maintenance”
- ✓ Successfully passed peer review

Performance Measures

The Audit Offices performance is measured by reviewing results in the following areas:

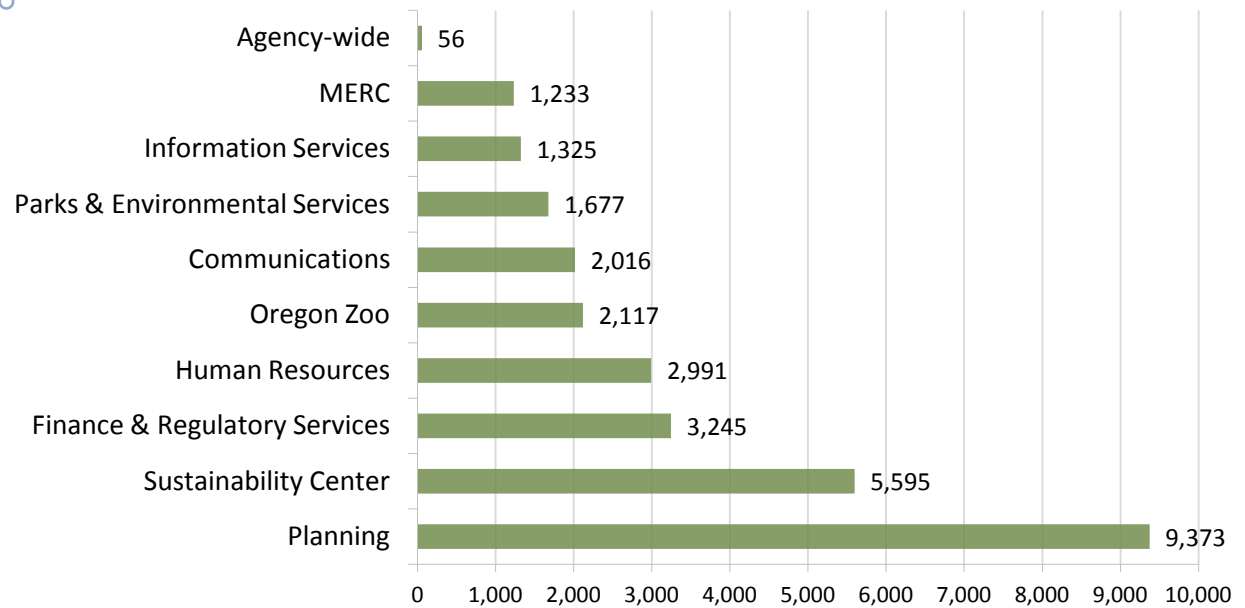
- ✓ Average hours to complete an audit and number of audits completed.
- ✓ Total auditor hours per department.
- ✓ Audits completed per full-time equivalent (FTE) employee.
- ✓ Audit recommendation implementation rate within five years after completion of an audit.

Average hours per audit and number of audits

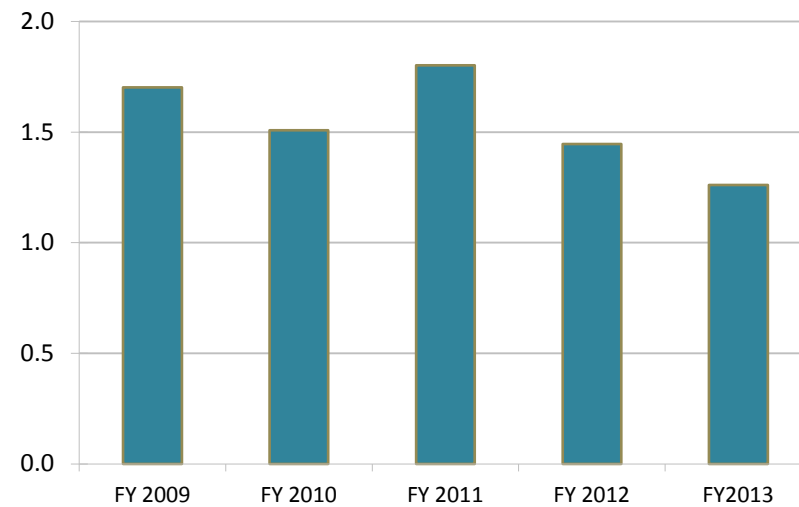


Audit hours by department

Audit Hours by Department
FY 2008-09 to FY 2012-13

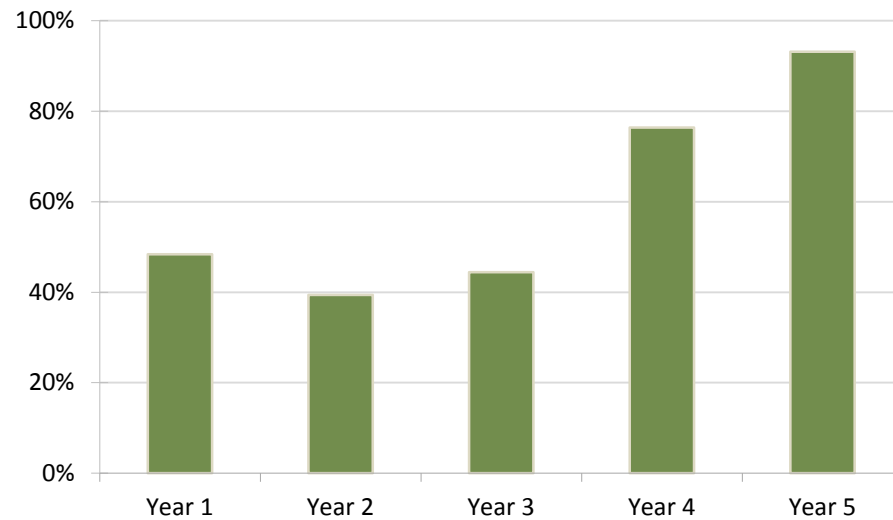


Audits per FTE



Audit recommendation implementation rate

1 to 5 Years After Audit Issued



Audits released

Ethics Line Case 66 *(July 2012)*. A review was initiated of the mileage reimbursement policies at Metro after a report was filed on the Ethics Line.

Span of Control *(November 2012)*. Auditors analyzed the effectiveness of a 2008 reorganization that made changes to the structure of several departments.

Risk Management *(January 2013)*. This audit was conducted to assess Metro's risk management program and determine if the program used available resources to control costs and manage the number of safety incidents.

Payroll & Benefits Follow-up Audit *(May 2013)*. The Office reviewed progress made on recommendation in the 2010 audit. This audit was initiated after a report was received on the Ethics Line concerning payroll errors.

Tracking Transportation Project Outcomes *(June 2013)*. This audit evaluated transportation project outcomes, the second audit in this area.

Audit schedule FY 2012-2013

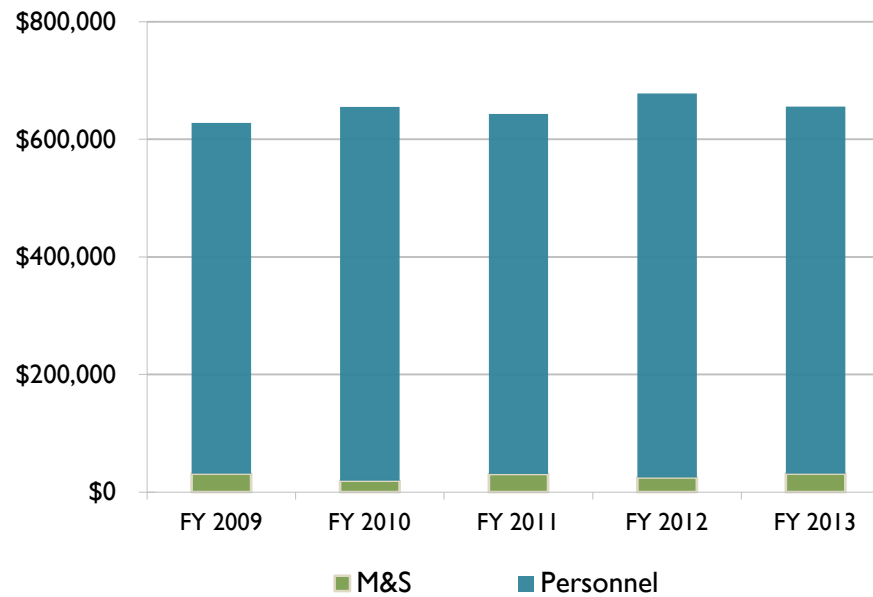
Audits underway -

Audit Title	Expected Completion
Organics Waste System	Oct. 2013
Public Engagement / Opt In	TBD
MWESB Procurement	TBD

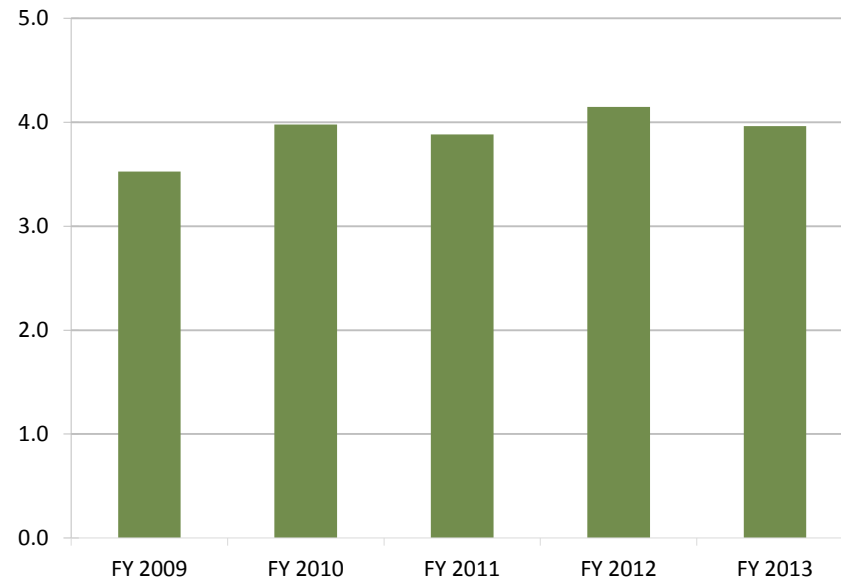
Future audits -

Audit Title	Expected Completion
Asset Management	TBD
Recycling Hotline	TBD

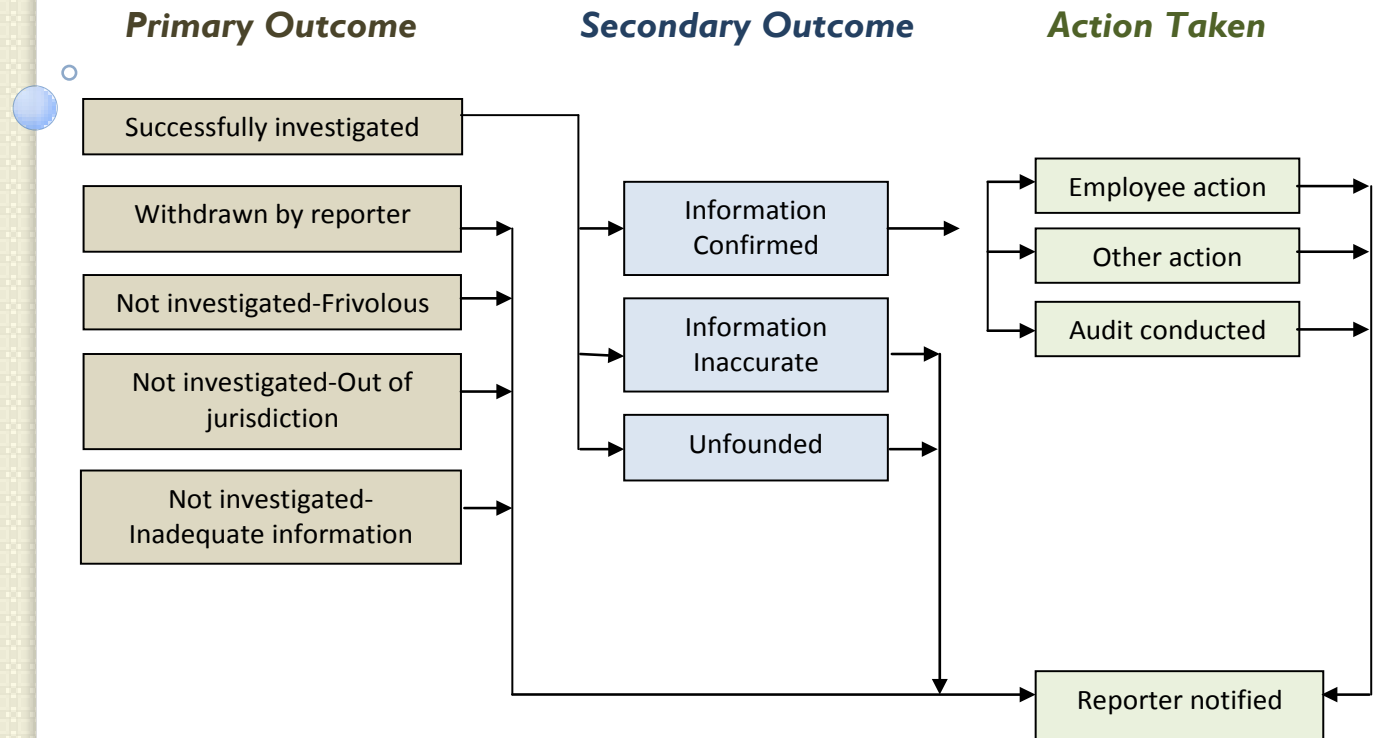
Audit office expenditure



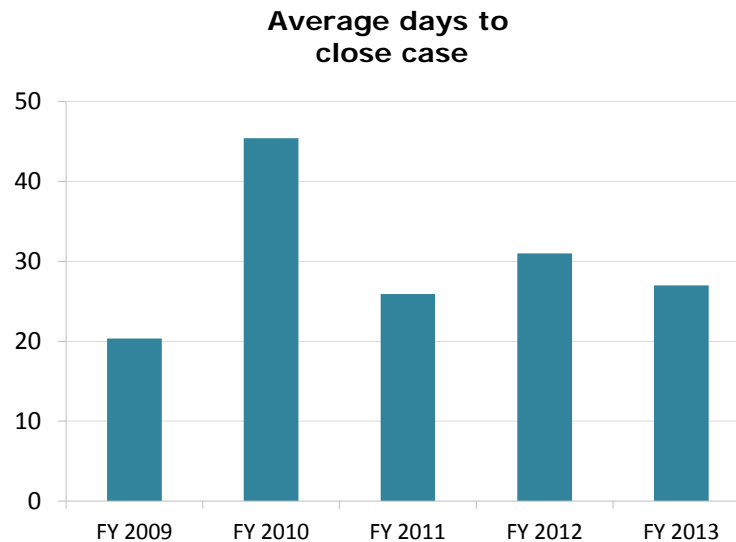
Staffing available



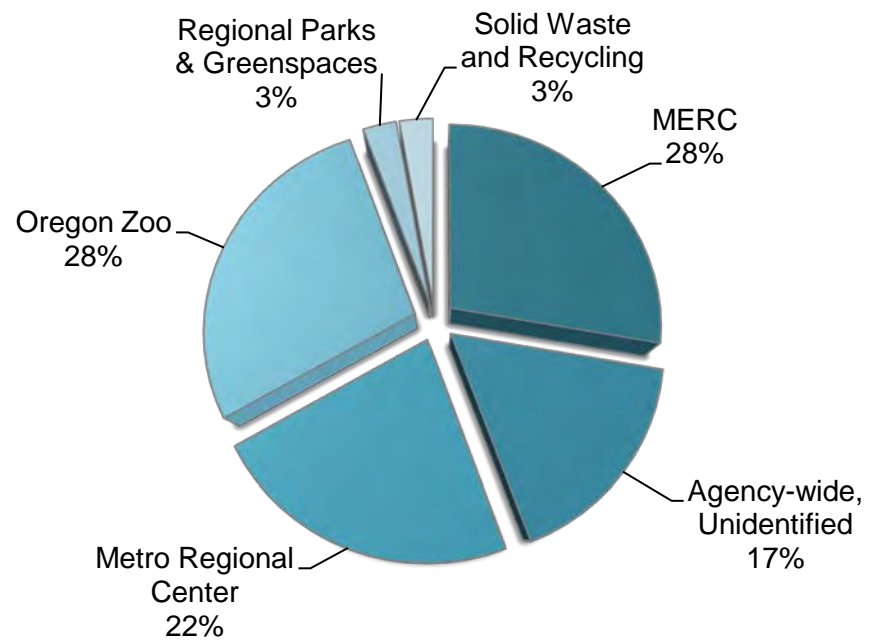
Ethics Line



Results FY 2008-09 to FY 2012-13	Total
Not investigated – Inadequate information	3
Not investigated – Out of jurisdiction	5
Successfully investigated	62
Withdrawn by reporter	2
Total	72



Location of Incidents FY 2007-2008 to FY 2010-2011



Questions ?



Agenda Item No. 4.0

**Natural Areas Program Performance Oversight
Committee Report**

Metro Council Meeting
Thursday, Oct. 24, 2013
Metro, Council Chamber

Agenda Item No. 5.0

Consideration of the Council Minutes for Oct. 10, 2013

Metro Council Meeting
Thursday, Oct. 24, 2013
Metro, Council Chamber

Agenda Item No. 6.1

Ordinance No. 13-1317, For the Purpose of Amending Metro
Code Chapter 7.02 (Financing Powers).

Ordinances – First Reading

Metro Council Meeting
Thursday, Oct. 24, 2013
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 13-1317
CODE CHAPTER 7.02 (FINANCING POWERS))	
	)	Introduced by Martha J. Bennett, Chief
	)	Operating Officer, with the concurrence of
	)	Tom Hughes, Council President

WHEREAS, Metro Code Chapter 7.02 sets forth Metro's financing powers, supplementing those provided to Metro under the Metro Charter; and

WHEREAS, staff has recommended an amendment to Metro Code Chapter 7.02.040(a) to clarify Metro's broad home-rule authority and maximize Metro's ability to efficiently structure certain revenue bond financings.

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Chapter 7.02 Financing Powers, is hereby amended as referred to in Exhibit A attached hereto.

ADOPTED by the Metro Council this 31st day of October, 2013.

Tom Hughes, Council President

Attest:

Approved as to Form:

Kelsey Newell, Recording Secretary

Alison R. Kean, Metro Attorney

7.02.040 Revenue Bonds

(a) Issuance of Revenue Bonds. In accordance with Section 10 of the Metro Charter, Metro may issue from time to time revenue bonds for such purposes as are determined by Council to be necessary or appropriate to carry out the functions, duties and operations of Metro. Metro may issue revenue bonds for the purpose of financing such property as Council shall determine is necessary or desirable in order to carry out or assist or advance the carrying out of Metro's function, duties and operations regardless of whether such property is to be owned by Metro or any other public or private agency or person and regardless of whether such property is to be located within or without the jurisdictional boundaries of Metro. In connection with the issuance of revenue bonds to finance any property which is to be owned by any other public or private agency or person, Metro ~~shall~~may enter into a lease purchase, installment sale or loan agreement with such public or private agency or person providing for lease purchase, installment sale or loan payments which, together with other amounts pledged for such purpose, shall be sufficient to pay when due the principal of, premium (if any) and interest on such revenue bonds. All revenue bonds shall be issued pursuant to an authorizing action as provided in Section 7.02.110 of the Metro Code. Prior approval of the electors of Metro shall not be required as a condition precedent to the issuance of any revenue bonds under the Metro Code.

(b) Payment from Revenues. In the authorizing action under which a particular series of revenue bonds is issued, Metro may provide that such revenue bonds shall be payable from all or any portion of Metro's revenues (but subject to such prior claims on such revenues or portions thereof as may have theretofore been created). Metro may pay any amounts owing under any revenue bonds from any other funds lawfully available for such purpose regardless of whether or not provision for payment thereof from such other funds has been made in the authorizing action as provided in the preceding sentence; provided that the foregoing is not intended, nor shall it be construed, to create a legal obligation on Metro's part to pay any amounts owing under any revenue bonds from any revenues not specifically pledged thereto or from which such revenue bonds have not specifically been made payable in accordance with their terms.

(c) Pledge of Other Revenues and Property. In the authorizing action under which a particular series of revenue bonds is issued, Metro may:

- (1) Pledge as additional security for such revenue bonds all or any portion of its revenues; and
- (2) Grant mortgages, trust deeds or security interests in any property of Metro as additional security for the payment of such revenue bonds.

(Ordinance No. 93-495, Sec. 2. Amended by Ordinance No. 02-976, Sec. 1.)

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 13- 1317, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 7.02 (FINANCING POWERS)

Date: October 24, 2013

Prepared by: Tim Collier, ext. 1913

BACKGROUND

Chapter III, Section 10 of the Metro Charter gives Metro broad authority to issue revenue bonds, general and special obligation bonds, certificates of participation and other obligations. Metro Code Chapter 7.02.040(a) further provides that “Metro may issue from time to time revenue bonds for such purposes as are determined by the Council to be necessary or appropriate to carry out the functions, duties and operations of Metro.” However, the Chapter thereafter requires that in situations where the bonds are used to finance property owned by another public or private entity, Metro enter into a lease-purchase, installment sale, or loan agreement with such third-party owner. This “lease-purchase, installment sale, or loan agreement” language appears to have been borrowed from Oregon Revised Statute Chapter 268.600, which requires such financing arrangements in certain transactions involving waste disposal system facilities.

Ordinance No. 13-1317 is for the purpose of amending the Metro Code to clarify Metro’s broad home-rule bonding authority. Lease-purchase, installment sale, and loan agreements are typically used in conduit revenue bond transactions where the issuer loans the bond proceeds a conduit borrower. Requiring a lease-purchase, installment sale, or loan agreement in non-conduit financing hinders Metro’s ability to structure the transaction in the most efficient way possible.

ANALYSIS/INFORMATION

1. **Known Opposition:** Unknown.
2. **Legal Antecedents:** Chapter III, Section 10 of the Metro Charter; Metro Code Chapter 7.02.040.
3. **Anticipated Effects:** The adoption of this Ordinance will provide Metro authority to issue revenue bonds without requiring the use of a lease-purchase, installment sale, and loan agreements, in accordance with Metro’s broad home-rule Charter authority.
4. **Budget Impacts:** None.

RECOMMENDED ACTION

Staff recommends that the Metro Council consider approving Ordinance No. 13-1317.

Agenda Item No. 6.2

Ordinance No. 13-1319, For the Purpose of Amending Metro
Code Chapter 2.16 (Naming of Facilities).

Ordinances – First Reading

Metro Council Meeting
Thursday, Oct. 24, 2013
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 13-1319
CODE CHAPTER 2.16 (NAMING OF)	
FACILITIES)	)	Introduced by Martha J. Bennett, Chief
	)	Operating Officer, with the concurrence of
	)	Tom Hughes, Council President
)	

WHEREAS, Metro Code Chapter 2.16 contains the policy for the naming of facilities owned or operated by Metro; and

WHEREAS, staff has recommended a revised policy that would allow the Metro Council to name a Metro facility through adoption of a resolution and alleviate the need to amend the Metro Code each time a facility is named; now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Chapter 2.16 Naming of Facilities, is hereby amended as referred to in Exhibit A attached hereto; and

2. The names of Metro facilities adopted by Council action prior to the date of this Ordinance 13-1319, are hereby validated.

ADOPTED by the Metro Council this 31st day of October, 2013.

Tom Hughes, Council President

Attest:

Approved as to Form:

Kelsey Newell, Recording Secretary

Alison R. Kean, Metro Attorney

CHAPTER 2.16

NAMING OF FACILITIES

SECTIONS TITLE

2.16.010 Statement of Purpose

2.16.020 Policy for Naming of Facilities

~~2.16.030 Facility Names~~

2.16.010 Statement of Purpose

This chapter is established to provide a policy for the naming of facilities owned or operated by Metro. This policy includes facilities that are operated by a Metro department, commission, or other entity which has responsibility for facility operations.

(Ordinance No. 94-576A, Sec. 1.)

2.16.020 Policy for Naming of Facilities

(a) Facilities owned by Metro shall be named through adoption of an ~~ordinance Resolution~~ by the Metro Council. ~~Such an ordinance shall state the name and address of the facility, which shall be included in this chapter.~~ For purposes of this section, a "facility" shall be a building, which may contain one or more rooms, theaters, halls, offices, exhibits, etc., a group of buildings under common management with a shared mission, or a zoo, park, open space, trail, cemetery, golf course, boat ramp, or other outdoor area owned by Metro.

(b) The principal purpose of the name of a facility shall be to identify the facility's function and purpose. When the Council deems it to be practicable and advisable, the name may also reflect the facility's ownership, location, source or sources of funding for its construction, or the contribution of effort made or funds contributed by a person, persons, corporation, firm, partnership, joint venture, association, governmental body, joint stock company, limited liability company, estate, trust, or syndicate toward its construction, acquisition, or operation.

(c) A Metro facility may be named after any living person who has not held elective office in Oregon. In the event Metro acquires ownership of a facility that was named after a living person by the facility's former owner, the facility shall continue to bear that name.

(d) A Metro facility may be named for a deceased person in recognition of the person's significant contribution of effort or money in support of the facility or its construction or mission, in conformance with an adopted policy, if any, of the Metro Council.

(e) A Metro facility other than the Oregon Zoo and the Oregon Convention Center may be named for a corporation, firm, partnership, joint venture, association, governmental body, joint stock company, limited liability company, estate, trust, or syndicate in recognition of that entity's significant contribution of effort or money in support of the facility or its construction, operation or mission, in conformance with an adopted policy, if any, of the Metro Council.

(f) Individual parts of a facility, including but not limited to theaters, exhibits, ballrooms, meeting rooms, halls, lobbies, and equipment, may be named after a person or persons, living or deceased, or after a corporation, firm, partnership, joint venture, association, governmental body, joint stock company, limited liability company, estate, trust, or syndicate, by adoption of a ~~resolution~~ Resolution by the Metro Council.

(g) Facilities which Metro operates but does not own may not be named or re-named by Metro or a Metro commission. The owner(s) of such facilities shall retain authority for their naming or re-naming.

Ordinance No. 94-576A, Sec. 1. Amended by Ordinance No. 02-967, Sec. 1; Ordinance No. 03-994A, Sec. 4.)

0

~~2.16.030 Facility Names~~

~~(a) The following are the names and addresses of the facilities owned by Metro:~~

~~— Metro Central Transfer Station, 6161 NW 61st Avenue, Portland, Oregon~~

~~— Metro Regional Center, 600 NE Grand Avenue, Portland, Oregon~~

~~— Metro South Transfer Station, 2001 Washington St., Oregon City, Oregon~~

~~— Oregon Convention Center, 777 NE Martin Luther King Blvd., Portland, Oregon~~

~~— Oregon Zoo, 4001 SW Canyon Rd., Portland, Oregon~~

~~— Portland Metropolitan Exposition Center, 2060 N. Marine Drive, Portland, Oregon~~

(Ordinance No. 94-576A, Sec. 1. Amended by Ordinance No. 98-726, Sec. 2; Ordinance No. 02-967, Sec. 1.)

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 13-1319, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 2.16 (NAMING OF FACILITIES)

Date: October 24, 2013

Prepared by: Kathleen Brennan-Hunter,
ext.1948

BACKGROUND

Metro Code Chapter 2.16 sets forth Metro's policy with respect to the naming of Metro facilities. It requires the Metro Council to adopt an ordinance in order to name a Metro facility and requires that Metro Code Section 2.16.030 also be amended to include the name and address of the named facility. In practice, the Metro Council has named some Metro facilities by resolution, and in those cases, no corresponding change to Metro Code Section 2.16.030 has been made. Accordingly, Metro Code Section 2.16.030 gives the incorrect impression that Metro has named only a few of its facilities and properties.

This Ordinance would amend Metro Code Chapter 2.16 to allow the Council to name Metro facilities by resolution. This is consistent with the principle that ordinances should be reserved for legislative acts by the Council; the naming of facilities is more properly categorized as an internal, administrative act. This Ordinance will also eliminate the requirement to amend the Code each time a Metro facility is named.

ANALYSIS/INFORMATION

1. **Known Opposition:** Unknown.
2. **Legal Antecedents:** Metro Code Chapter 2.16.
3. **Anticipated Effects:** The adoption of this Ordinance will permit the naming of Metro facilities by resolution, rather than ordinance, and no longer require updating the Metro Code each time a Metro facility is named.
4. **Budget Impacts:** None.

RECOMMENDED ACTION

Staff recommends the adoption of Ordinance No. 13-1319.

Agenda Item No. 6.3

Ordinance No. 13-1320, For the Purpose of Amending Metro Code Title IV (Oregon Zoo Regulations) and Metro Code Chapter 2.14 (Facilities Related Parking-Policy and Regulations).

Ordinances – First Reading

Metro Council Meeting
Thursday, Oct. 24, 2013
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 13-1320
CODE TITLE IV (OREGON ZOO)	
REGULATIONS) AND METRO CODE	)	Introduced by Martha J. Bennett, Chief
CHAPTER 2.14 (FACILITY RELATED	)	Operating Officer, with the concurrence of
PARKING-POLICY AND REGULATIONS)	)	Tom Hughes, Council President
)	

WHEREAS, Metro Code Chapter Title IV provides for, among other things, regulations governing the use and operation of the Oregon Zoo parking lot; and

WHEREAS, in the Washington Park Transportation Management Agreement with the City of Portland, Metro terminated its Zoo Parking Lot Lease and Operating Agreement with the City of Portland, effective February 1, 2013, but Metro has retained temporary operations and management responsibility for said parking lot until such time as the City of Portland installs parking meters and begins collecting revenues; and

WHEREAS, the City of Portland will install parking meters in the parking lot and begin collecting revenues in January of 2014, at which time the City will assume control of the "Washington Park Parking Lot," delegating limited operational functions to the Zoo; now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Title IV, Chapter 4.01 is hereby amended as referred to in Exhibit A attached hereto; and
2. Metro Code Chapter 2.14 is hereby amended as referred to in Exhibit B attached hereto; and
3. These amendments shall take effect on the date that the City of Portland, through its Parks Department, begins collecting parking revenues in the Washington Park Parking Lot, but no earlier than 90-days from the date of adoption.

ADOPTED by the Metro Council this 31st day of October, 2013.

Tom Hughes, Council President

Attest:

Approved as to Form:

Kelsey Newell, Recording Secretary

Alison R. Kean, Metro Attorney

TITLE IV

OREGON ZOO *

CHAPTERS	TITLE
4.01	Oregon Zoo Regulations

* Formerly "Metro Washington Park Zoo;" renamed by Ordinance No. 98-726.

CHAPTER 4.01

OREGON ZOO REGULATIONS

SECTIONS TITLE

4.01.010	Purpose
4.01.020	Definitions
4.01.030	Operating Authority
4.01.040	Hours of Operation
4.01.050	Admission Fees and Policies
4.01.060	Rules of Conduct for Public Within Zoo Premises
4.01.070	Parking Regulations
4.01.080	Rules of Conduct for Members of Public in Zoo Parking Shuttle Parking Lot
4.01.090	Zoo Railroad
4.01.100	Penalties
4.01.110	Allocation of Zoo Tax Base (Repealed Ord. 10-1230, Sec. 2, eff. 01/14/10)

4.01.010 Purpose

The purpose of this chapter is to provide for the operation of the Zoo and to provide for regulations governing the use of the Zoo and Zoo ~~parking-Shuttle~~ areas by members of the public in order to provide protection of Zoo animals, plants, and property, and to protect the safety and enjoyment of persons visiting the Zoo.

(Ordinance No. 92-412A, Sec. 2.)

4.01.020 Definitions

For the purposes of this chapter unless the context requires otherwise the following terms shall have the meaning indicated:

(a) "Director" or "Zoo Director" means the Director of the Zoo, and also includes such subordinate employees of the Zoo or other Metro employees to the extent the Zoo Director or Chief Operating Officer has delegated specific duties in writing.

~~(b) "Parking lot" means that portion of the Zoo outside of the premises including the paved parking lot area adjacent to the Zoo leased from the City of Portland, but not the public~~

~~right-of-way located therein, and also includes the adjacent sidewalks, landscaped areas, and plaza outside of the Zoo gates.~~

(~~eb~~) "Premises" means the property, buildings, and grounds within the perimeter fence surrounding the Zoo, the admission and exit gates, the entry plaza, all Zoo buildings including but not limited to the administrative, commissary, haybarn, and shop buildings, the employee parking lot, the Zoo vehicular storage area, including and the Zoo Railroad right-of-way from the Zoo to and including the Metro Washington Park Station, and any portions of the landscaping and, and sidewalk or plaza between the Zoo perimeter fence and Knights Boulevard or the Washington Park parking lot.

(~~ec~~) "Public" means any person other than a Zoo employee.

(~~ed~~) "Shuttle Parking Lot" means any facility located outside the Zoo and the Washington Park Parking Lot and designated by the Zoo for overflow parking.

(~~fe~~) "Special event" means any event or occasion held on the ~~premises~~Premises other than during normal operating hours as specifically authorized by the Zoo Director and Chief Operating Officer.

(~~gf~~) "Zoo" means the Oregon Zoo and includes ~~the parking lot and~~ the premisesPremises.

(~~hg~~) "Zoo employee" means any paid employees of the Zoo, any other paid employees of Metro performing tasks or functions at the Zoo at the request or direction of either the Zoo Director, the Metro Council, or the Chief Operating Officer, volunteers performing functions and duties assigned or authorized by the Zoo Director, and any contractors or agents of the Zoo carrying out their duties or obligations to the Zoo.

(~~ih~~) "Zoo Railroad" means the equipment, rails, and right-of-way extending from within the Zoo ~~premises~~Premises through the City of Portland park adjacent to the Zoo to a location near the Rose Test Gardens, also known as the Washington Park and Zoo Railway.

(Ordinance No. 92-412A, Sec. 2. Amended by Ordinance No. 98-726, Sec. 5; Ordinance No. 02-973, Sec. 1; Ordinance No. 04-1059, Sec. 1.)

4.01.030 Operating Authority

Operation of the Zoo and management of the Zoo ~~premises~~Premises ~~and parking lot~~ shall be under the general supervision of the Zoo Director except as may be specifically provided to the contrary by the Chief Operating Officer. All Zoo employees shall be directed and controlled by the Zoo Director and Chief Operating Officer subject to the personnel rules and applicable collective bargaining agreements of Metro.

(Ordinance No. 92-412A, Sec. 2. Amended by Ordinance No. 02-973, Sec. 1.)

4.01.040 Hours of Operation

Hours of operations of the Zoo, including all times the Zoo is open to the public or for special events, shall be established by the Zoo Director and approved by the Chief Operating Officer. In cases of inclement weather, or in any case of emergency, the Zoo may be closed in order to protect the safety of members of the public, Zoo employees or animals, and other Zoo property.

(Ordinance No. 92-412A, Sec. 2. Amended by Ordinance No. 02-973, Sec. 1.)

4.01.050 Admission Fees and Policies

(a) Regular Fee Schedule

Adult (12 years and over)	\$11.25
Youth (3 years through 11 years)	\$8.25
Child (2 years and younger)	Free
Senior Citizen (65 years and over)	\$9.75

(b) Conservation Admission Surcharge. A twenty-five cent (\$0.25) surcharge will be added to each regular paid admission to go toward the funding of Oregon Zoo conservation initiatives. This surcharge is in addition to the admission fees listed in the Regular Fee Schedule in subsection (a) above.

(c) Free and Reduced Admission

- (1) The Director may set free or reduced price admission rates for groups, special events, or as otherwise in accordance with this Chapter.
- (2) A free admission pass will entitle the holder only to enter the Zoo without paying an admission fee.
- (3) A reduced admission pass will entitle the holder only to enter the Zoo by paying a reduced admission fee.
- (4) Free or reduced admission passes may be issued to the following groups or individuals and shall be administered as follows:
 - (A) Metro employees shall be entitled to free regular Zoo admission upon presentation of a current Metro employee identification card.
 - (B) Metro elected officials shall be entitled to free admission.
 - (C) Free admission passes in the form of volunteer identification cards may, at the Director's discretion, be issued to persons who perform volunteer work at the Zoo. Cards shall bear the name of the volunteer, shall be signed by the Director, shall be non-transferable, and shall terminate at the end of each calendar year or upon termination of volunteer duty, whichever date occurs first. New identification cards may be issued at the beginning of each new calendar year for active Zoo volunteers.
 - (D) The Zoo Director may issue reduced price admission passes to individuals using a TriMet bus or the Metro Area Express (MAX) for travel to the Zoo upon presentation of acceptable proof of fare payment, which includes TriMet passes, MAX tickets and bus

transfer receipts validated on the date of Zoo entry.

- (5) Admission to the Zoo shall be at a reduced rate for all persons during a portion of a day each month, as determined by the Director.

(d) Special Events. The Zoo, or portions thereof, may be utilized for special events designed to enhance Zoo revenues during hours that the Zoo is not normally open to the public. The number, nature of, and admission fees for such events shall be determined by the Zoo Director.

(e) Parking-Shuttle Fee. The Zoo Director may establish, charge and collect a parking-Shuttle fee from Zoo-shuttle users~~patrons~~ for transport from parking in the Zoo Parking Lot ~~and Shuttle~~ Parking Lots and may adjust said parking-Shuttle fee annually.

(Ordinance No. 92-412A, Sec. 2. Amended by Ordinance No. 93-505, Sec. 1; Ordinance No. 94-568; Ordinance No. 98-726, Sec. 6; Ordinance No. 98-735, Sec. 2; Ordinance No. 99-804, Sec. 1; Ordinance No. 01-915, Sec. 1; Ordinance No. 02-949, Sec. 1; Ordinance No. 02-973, Sec. 1; Ordinance No. 03-1016, Sec. 1; Ordinance No. 04-1050; Ordinance No. 04-1059, Sec. 2; Ordinance No. 06-1125, Sec. 1.); Ordinance No. 09-1210, Sec. 1; and Ordinance 12-1287, Sec. 1.)

4.01.060 Rules of Conduct for Public Within Zoo Premises

The following rules of conduct and regulations shall be applicable to all members of the public within Zoo ~~premises~~Premises. In addition to penalties provided for herein or by applicable law, adherence to these standards of conduct shall be a condition of admission to the Zoo ~~premises~~Premises.

(a) Limited Right-of-Entry. Public entry into the Zoo ~~premises~~Premises is prohibited except during hours of public operation as established pursuant to Section 4.01.040. Members of the public attending special events after normal hours of operation may do so only as specifically authorized by the Zoo Director, and may only enter those portions of the Zoo ~~premises~~Premises specifically authorized for the conduct of the special event.

(b) Admission Fee Required. All members of the public entering the Zoo shall do so only after payment of the applicable admission fee except as entry may be specifically authorized by the Zoo Director or Chief Operating Officer.

(c) Destruction Prohibited. No member of the public may destroy, damage or remove any property including plants located on Zoo ~~premises~~Premises.

(d) Protection of Zoo Animals. No member of the public shall:

- (1) Kill, injure, or disturb any animal by any means except to secure personal safety;
- (2) Pet, attempt to pet, handle, move, or remove the animals except where expressly permitted;
- (3) Feed the animals except when and where expressly permitted;
- (4) Catch, attempt to catch, trap, remove, or kill any free roaming animals inhabiting the ~~premises~~Premises;
- (5) Go over, under, between, or otherwise cross any guardrail, fence, moat, wall, or any other safety barrier; or
- (6) Except as provided in paragraph (3), throw any object or material at any animal or into any animal enclosure or exhibit area.

(e) Conformity with Signs and Emergency Directions. Members of the public shall comply with official signs of a prohibitory or directory nature, and with the directions of Zoo employees.

(f) Littering. Littering, dumping or any other disposal of rubbish, trash, or other wastes, at the Zoo by any member of the public other than in designated receptacles is prohibited.

(g) Alcohol. Possession or consumption by any member of the public on the Zoo ~~premises~~Premises of any alcoholic beverage of any nature whatsoever other than beverages purchased from Zoo

employees or as expressly authorized in writing by the Zoo director is prohibited.

(h) Sound Amplification Devices. Possession or use by any member of the public of musical instruments, radios or other electric sound-producing or amplification devices that make or emit sounds audible to anyone other than the user of the device is prohibited.

(i) State and Local Laws. All members of the public on Zoo ~~premises~~Premises shall comply with all provisions of the Oregon Criminal Code, the City of Portland Police Code, including but not limited to regulations and prohibitions pertaining to firearms and dangerous or deadly weapons, and other provisions of applicable law.

(j) Soliciting, Vending, and the Distribution of Handbills. The soliciting of alms and contributions, commercial soliciting, and vending or distribution of samples of any kind, the display or distribution of commercial advertising, and the disseminating of written materials, and canvassing for political, charitable, or religious purposes by members of the public are prohibited within the Zoo Premises, except on the sidewalks between the Washington Park parking lot and the perimeter fence surrounding the Zoo; otherwise such activity by members of the public is prohibited. Such activities must be conducted in accordance with the following conditions:

(1) Parking lot entrances, exits, and travel lanes must not be obstructed. Interference with pedestrian traffic flow is prohibited.

(2) Loudspeakers, musical instruments, and other sound-making or amplification devices of any nature are prohibited.

(3) Activity causing a crowd to gather is prohibited if pedestrian or vehicular traffic is obstructed or impeded.

(4) Activity conducted within 20 feet of an admission gate, ticket booth, entrance, or exit is prohibited.

(5) Obstructing Zoo visitors' line of travel or detaining a Zoo visitor or employee against his or her will is prohibited.

(6) Actual or threatened physical harm directed against a Zoo visitor or employee is prohibited.

(7) The sale of food or items of any nature is prohibited.

(k) Animals. Except for assistance animals authorized by ORS 346.685, no animals shall be brought on the ~~premises~~Premises by any member of the public. Use of assistance animals at the Zoo shall be subject to reasonable guidelines established by the Zoo Director and approved by the Chief Operating Officer.

(l) Photographs for News, Advertising, or Commercial Purposes. No photographs for advertising or any other commercial purpose may be taken on the ~~premises~~Premises by any member of the public unless officially authorized by the Zoo Director.

(m) Explosives. No member of the public while on the ~~premises~~Premises shall carry, discharge, or set off any fireworks or explosives of any nature.

(Ordinance No. 92-412A, Sec. 2. Amended by Ordinance No. 02-973, Sec. 1; and Ordinance No. 10-1230, Sec. 1)

4.01.070 Parking Regulations

The following rules shall govern all vehicles operated within the area of the ~~Zoo parking Shuttle Parking L~~lot and Zoo ~~premises~~Premises:

(a) It shall be a violation of this Code for the driver of any motor vehicle or bus to ~~fail to pay for parking when required under this Code or to~~ violate any legend or direction contained in any sign, signal, or marking now installed or hereafter installed upon any portion of the Zoo ~~premises~~Premises or ~~parking Sshuttle Parking L~~lot areas. Drivers of all vehicles shall drive in a careful and safe manner at all times, and shall comply with the signals and directions of the police or security officers and all posted traffic signs. Blocking of

entrances, driveways, walks, loading platforms, fire lanes, or fire hydrants is prohibited. Parking without authority, or parking in unauthorized locations or in locations reserved for other persons or contrary to the directions of posted signs, is prohibited.

(b) Security personnel designated by the Chief Operating Officer as serving as a Zoo ~~parking-Shuttle~~ patrol shall have the authority and duty to issue parking citations in accordance with subsection (c) of this section for a violation specified by subsection (a) of this section. The Zoo ~~parking-Shuttle~~ patrol shall have no other policy authority or duty. Persons appointed as Zoo ~~parking-Shuttle~~ patrol shall be special police officers of Metro. As special police officers, the Zoo ~~parking-Shuttle~~ patrol personnel and the Zoo ~~parking-Shuttle~~ patrol supervisor shall have authority to issue citations for violations of parking or non-moving traffic violations occurring on Zoo property or property ~~adjacent to the Zoo~~ leased from ~~or licensed to the Zoo by third parties~~ City of Portland by Metro for for Zoo ~~Shuttle~~ Parking Lot purposes, and particularly they shall have authority to issue citations. To the extent of the power and authority granted in this section, such personnel and their supervisor shall exercise full police power and authority.

(c) Parking Citations

- (1) Form of Citations. All parking citation forms used by the Zoo ~~parking-Shuttle~~ patrol shall be in a form approved by the Metro Attorney and as issued by the Circuit Court for the State of Oregon for Multnomah County. Such parking citations shall, at a minimum, clearly state:
 - (A) The date, place, and nature of the charge;
 - (B) Time and place for the defendant's appearance in court;
 - (C) Name of the issuing officer;
 - (D) License number of the vehicle.
- (2) Procedure for Issuing Citations. Any citation form issued pursuant to this Code section shall either be delivered to the defendant or placed in

a conspicuous place upon the vehicle involved in the violation. A duplicate original of the notice shall serve as the complaint in the case when it is filed with the court. In all other aspects, the procedure now provided by law in such cases shall be followed, but ORS 810.365 does not apply. The officer need not have observed the act of parking, but need only observe that the car was parked in violation of Metro Code.

- (3) Use of Parking Citation as Complaint. The original of the traffic citation form when completed to meet the minimum requirements of ORS 221.333 may serve as a complaint; other forms of parking complaints are prohibited.
- (4) Citation Form Books Issued by circuit court. Citation form books for parking violations shall be provided by the circuit court and upon request distributed to the Zoo parking patrol officers who issue them.
- (5) List of Parking Citations. A list of the parking citations issued by Zoo ~~parking-Shuttle~~ patrol officers shall be forwarded to the circuit court within 24 hours.

(d) Person Responsible for Violation Charged by the Citation. The registered owner of the vehicle is prima facie responsible for the violation charged by the citation.

(Ordinance No. 92-412A, Sec. 2. Amended by Ordinance No. 02-973, Sec. 1; Ordinance No. 04-1059, Sec. 3.)

4.01.080 Rules of Conduct for Members of Public in Zoo ~~Shuttle~~ ~~Parking Lots~~~~Parking-Lot~~

The following rules of conduct and regulations shall be applicable to all members of the public within the Zoo ~~parking~~
~~lot~~Property. In addition to penalties provided for herein or by applicable law adherence to these standards of conduct shall be a condition of admission to the Zoo ~~parking-lot~~Property.

(a) Advertising, Canvassing, Soliciting, and Disseminating of Written Materials for Political, Charitable, or Religious Purposes. Commercial or non-commercial speech activity including advertising, canvassing, soliciting, or disseminating of written materials for commercial or non-commercial purposes including political, charitable, or religious purposes is permitted only in accord with code section 4.01.060(j) and not in the Shuttle Parking Lot~~on the parking lot and sidewalks between the parking lot and the perimeter fence surrounding the Zoo; otherwise such activity by members of the public is prohibited. Such activities must be conducted in accordance with the following conditions:~~

~~—————(1) Parking lot entrances, exits, and travel lanes must not be obstructed. Interference with traffic flow is prohibited.~~

~~—————(2) Loudspeakers, musical instruments, and other sound making or amplification devices of any nature are prohibited.~~

~~—————(3) Activity causing a crowd to gather is prohibited if pedestrian or vehicular traffic is obstructed or impeded.~~

~~—————(4) Activity conducted within 20 feet of an admission gate, ticket booth, entrance, or exit is prohibited.~~

~~—————(5) Obstructing Zoo visitors' line of travel or detaining a Zoo visitor or employee against his or her will is prohibited.~~

~~—————(6) Actual or threatened physical harm directed against a Zoo visitor or employee is prohibited.~~

~~—————(7) The sale of food or items of any nature is prohibited.~~

(b) Littering. Littering, dumping, or any other disposal of rubbish, trash, or any solid waste on the Zoo Shuttle Parking L~~o~~t~~s~~ by any member of the public is prohibited.

(c) State and Local Laws. All members of the public within ~~the Zoo parking lot~~Property Shuttle Parking Lots shall comply with all provisions of the Oregon Criminal Code, the

Oregon Traffic Code, the City of Portland Police and Traffic Codes, and other provisions of applicable law.

(d) Alcohol. Possession or consumption on the Zoo ~~parking Shuttle Parking Lots~~ by any member of the public of any alcoholic beverage of any nature whatsoever is prohibited.

(Ordinance No. 92-412A, Sec. 2. Amended by Ordinance No. 02-973, Sec. 1.)

4.01.090 Zoo Railroad

No member of the public shall:

(a) Enter or exit the train except when the train is stopped.

(b) Enter the train without authorization.

(c) Throw or propel any object or material from or at the train.

(d) Smoke on the train.

(e) Destroy, damage, or deface the train, equipment, rolling stock, stations, tracks, or switches or attempt to do the same.

(Ordinance No. 92-412A, Sec. 2.)

4.01.100 Penalties

(a) Each violation of these rules and regulations shall be punishable by a fine of not more than \$500.

(b) In addition to prosecution under paragraph (a) above, any person violating these rules and regulations may be ejected from the Zoo. The decision to eject shall be made by the Zoo Director or his/her designate, a security officer, or a peace officer.

(c) In addition to the measures prescribed in subsections (a) and (b) above, violation of these rules and regulations may be grounds for exclusion from the Zoo ~~premises~~ Premises and the Zoo ~~parking Shuttle Parking Lots~~. In the event of a violation of these rules and regulations, or a violation of any of the

laws of the State of Oregon, any police officer, Zoo security officer, Zoo Director or his/her designate, or any individual providing security services under contract with Metro may exclude for a period of not more than one (1) year, any person who violates any provision of these rules and regulations, or any of the laws of the State of Oregon.

- (1) Written notice shall be given to any person excluded from the Zoo, or Zoo ~~parking~~ Shuttle Lots. The notice shall specify the violation of Zoo rules and regulations or state law which is the basis for the exclusion and shall specify the dates covered by the exclusion. The notice shall be signed by the issuing party. Warning of the consequences for failure to comply with the exclusion shall be prominently displayed on the notice.
- (2) A person receiving an exclusion notice may appeal to the Metro Council in accordance with the contested case procedure in Chapter 2.05 of the Metro Code.
- (3) At any time within the period of exclusion, a person receiving an exclusion notice may apply in writing to the Zoo Director for a temporary waiver from the exclusion. The Zoo Director may grant a temporary waiver of an exclusion upon a showing of good cause for said waiver.

(Ordinance No. 92-412A, Sec. 2. Amended by Ordinance No. 00-870, Sec. 1; Ordinance No. 02-973, Sec. 1.)

CHAPTER 2.14

FACILITY-RELATED PARKING POLICY AND REGULATIONS

SECTIONS TITLE

- 2.14.010 Purpose and Policy
- 2.14.020 Definitions
- 2.14.030 Parking Regulations

2.14.010 Purpose and Policy

The purpose of this chapter is to give policy direction as to the use and regulation of parking lots and structures at Metro regional facilities.

It is the policy of Metro to obtain maximum use of its regional facilities by assisting the public and Metro employees to gain access to and use of those facilities, consistent with their planned use and with other region-wide Metro policies and objectives.

Parking is an integral part of the regional facility that enables the facility to fulfill its mission and objectives. The administration of parking lots and structures is carried out as part of the administration of the facility.

Parking lots and structures are for the use of the visitors to the facility and Metro employees and staff assigned to the facilities. Metro may assist employees in gaining access to its regional facilities in a manner that promotes alternatives to the use of single occupancy motor vehicles.

Parking lots and structures may be operated in an entrepreneurial manner that generates revenues for Metro and its facilities.

Metro will work with appropriate local jurisdictions to ensure that design and operation of its parking lots and structures is consistent with this parking policy.

(Ordinance No. 95-586. Amended by Ordinance No. 99-807A, Sec. 2.)

2.14.020 Definitions

For the purposes of this chapter unless the context requires otherwise, the following terms shall have the meaning indicated:

(a) "Parking lot" means any Metro-owned or managed vehicle parking areas, including but not limited to ~~the Oregon Zoo parking lot,~~ the Oregon Convention Center parking lot, parking at the Metro Regional Center, Portland Metropolitan Exposition Center, facilities managed by the Metro Regional Parks and Greenspaces Department, or any other Metro-owned or operated parking facility, whether currently owned or managed or which Metro acquires or assumes responsibility hereafter.

(b) "Premises" mean any property, buildings or grounds which are either owned by Metro or which are the responsibility of Metro to manage.

(Ordinance No. 95-586. Amended by Ordinance No. 02-967, Sec. 1.)

2.14.030 Parking Regulations

The following rules shall govern all vehicles operated within the area of any Metro parking lot or Metro premises:

(a) It shall be a violation of this Code for the driver of any motor vehicle or bus to violate any legend or direction contained in any sign, signal, or marking now installed or hereafter installed upon any portion of Metro premises or Metro parking lot areas. Drivers of all vehicles shall drive in a careful and safe manner at all times and shall comply with the signals and directions of the police or security officers and all posted traffic signs. Blocking of entrances, driveways, walks, loading platforms, fire lanes, or fire hydrants is prohibited. Parking without authority, or parking in an unauthorized locations or in locations reserved for other persons or contrary to the directions of posted signs, is prohibited.

(b) Metro or Metro ERC security personnel designated by the Chief Operating Officer as serving as a Metro parking patrol shall have the authority and duty to issue parking citations in accordance with subsection (c) of this section for a violation specified by subsection (a) of this section. The Metro parking patrol shall have no other police authority. Persons appointed as Metro parking patrol shall be special police officers of Metro. As special police officers, the Metro parking patrol personnel shall have authority to issue citations for violations of parking or non-moving traffic violations occurring on Metro premises or Metro parking lots, and particularly they shall have authority to issue citations. To the extent of the power and authority granted in this section, such personnel shall exercise full police power and authority.

(c) Parking Citations

- (1) Form of citations. All parking citation forms used by the Metro parking patrol shall be in a form approved by the Metro Attorney and as issued by the Circuit Court for the State of Oregon for Multnomah County. Such parking citations shall, at a minimum, clearly state:
 - (A) The date, place, and nature of the charge;
 - (B) Time and place for the defendant's appearance in court;
 - (C) Name of the issuing officer;
 - (D) License number of the vehicle.
- (2) Procedure for issuing citations. Any citation form issued pursuant to this Code section shall either be delivered to the defendant or placed in a conspicuous place upon the vehicle involved in the violation. A duplicate original of the notice shall serve as the complaint in the case when it is filed with the court. In all other aspects, the procedure now provided by law in such cases shall be followed, but ORS 810.365 does not apply. The officer need not have observed the act of parking, but need only observe that the car was parked in violation of Metro Code.
- (3) Use of parking citation as complaint. The original of the traffic citation form when completed to meet the minimum requirements of ORS 221.340 may serve as a complaint; other forms of parking complaints are prohibited.
- (4) Citation form books issued by Circuit Court. Citation form books for parking violations shall be provided by the Circuit Court and upon request distributed to the Metro parking patrol officers who issue them.
- (5) List of parking citations. A list of the parking citations issued by Metro parking patrol officers shall be forwarded to the Circuit Court within 24 hours.

(d) Person Responsible for Violation Charged by the Citation. The registered owner of the vehicle is prima facie responsible for the violation charged by the citation.

(Ordinance No. 95-586. Amended by Ordinance No. 02-967, Sec. 1.)

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 13- 1320, FOR THE PURPOSE OF AMENDING METRO CODE TITLE IV (OREGON ZOO REGULATIONS) AND METRO CODE CHAPTER 2.14 (FACILITY RELATED PARKING-POLICY AND REGULATIONS)

Date: October 24, 2013

Prepared by: Kim Smith

BACKGROUND

The purpose of this ordinance is to amend sections of Metro Code Title II, Chapter 2.14 Facility Related Parking Policy and Regulations and Title IV Chapter 4.01 Oregon Zoo Regulations, to account for the termination of Metro's lease of the Washington Park Parking Lot from the City of Portland and the transfer by Metro of management of the Washington Park Parking Lot back to the City of Portland, effective on the date the City of Portland Parks Department begins collecting parking revenues in the Washington Park Parking Lot in January of 2014.

ANALYSIS/INFORMATION

1. **Known Opposition.** None known.
2. **Legal Antecedents.** Metro Code Section 4.01.020, Definitions, identifies the Zoo Parking lot. Metro Code Section 4.01.050 Admission Fees and Policies, provides the Zoo Director with the authority to set a parking fee for use of the Zoo Parking Lot. Metro Code Section 4.01.070 Parking Regulations provides rules governing vehicles in the Zoo Parking Lot and on the Zoo Premises. Metro Code Section 4.01.080 Rules of Conduct for Members of the Public in Zoo Parking Lot, provides regulations applicable to all members of the public within the Zoo Parking Lot. Metro Code Section 2.14.020(a) establishes that the Oregon Zoo Parking Lot is subject to Metro's Facility Related Parking Policy.
3. **Anticipated Effects.** Metro Code Chapter 4.01 is updated to remove references to the Washington Park Parking Lot and regulations governing said parking lot. Metro Code Section 2.14 is updated to remove references to the Washington Park Parking Lot and regulations governing said parking lot from the Metro Code list of parking lots subject to Metro's Facility Related Parking Policy, and substitute references to the remote parking lots licensed from third parties and managed by the Zoo.
4. **Budget Impacts.** The four dollar parking fee will no longer be collected by the Zoo from users of the parking lot. Smart Meters will be installed and revenues will be collected by Portland Parks and used in accordance with the terms set forth in the Washington Park Transportation Management Agreement with the City of Portland.

The Zoo will no longer collect parking revenues or incur the expenses related to managing parking activities and enforcing parking regulations. The Zoo will transition most maintenance or support activities to the city. The Zoo and Portland Parks have agreed that the majority of parking lot related activities will transition back to the city's responsibility. The city may compensate or reimburse the Zoo for some activities that will be transitioned at a later date, or are best able to be supported or performed by the Zoo. An example is reimbursement for parking lot lighting electrical charges, as the

power is routed from the Zoo campus and would be cost prohibitive to separate at this time. The FY2013-14 budget anticipated the transition of parking to the City and the Zoo only budgeted a portion of the historical annual parking revenues. Future year budgets will not include any parking lot revenues. Correspondingly, reduced Zoo activity for parking management, enforcement and maintenance activities will decrease personal services and materials and services expenditures in the current and future years.

RECOMMENDED ACTION

Approval.

Agenda Item No. 7.1

Resolution No. 13-4469, For the Purpose of Approving the
City of Wilsonville Tax Increment Financing Request for Five
Urban Renewal Areas.

Resolutions

Metro Council Meeting
Thursday, Oct. 24, 2013
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE CITY)
OF WILSONVILLE TAX INCREMENT)
FINANCING REQUEST FOR FIVE URBAN)
RENEWAL AREAS.

RESOLUTION NO. 13-4469

Introduced by Chief Operating Officer Martha
Bennett in concurrence with Council
President Tom Hughes

WHEREAS, the City of Wilsonville, Oregon is considering the approval of up to six urban renewal plans including:

26755 SW 95th Avenue Urban Renewal Plan
9805 SW Boeckman Road Urban Renewal Plan
25600 SW Parkway Center Drive Urban Renewal Plan
27255 SW 95th Avenue Urban Renewal Plan
29899 SW Boones Ferry Road Urban Renewal Plan
Building 83 - 26440 SW Parkway Avenue Urban Renewal Plan

hereinafter collectively referred to as TIF Zones Plans; and

WHEREAS, five of the TIF Zones are in Clackamas County and one is in Washington County;
and

WHEREAS, the TIF Zones Plans and the Reports accompanying the TIF Zones Plans provide for sharing with the taxing districts overlapping the TIF Zones the tax revenue which would otherwise be distributed to the Wilsonville Urban Renewal Agency ("Agency") under ORS 457.440 et.seq. ("TIF Zones Revenue Sharing"); and

WHEREAS, the TIF Zones Revenue Sharing would begin in the first year that the Agency receives tax increment revenue; and

WHEREAS, the TIF Zones Revenue Sharing will use a different formula to calculate distributions to the overlapping taxing districts, but will exceed in total amount the revenue that would be received by the overlapping taxing districts under ORS 457.440(4); and

WHEREAS, ORS 457.440(7) states that the revenue limitations in ORS 457.440(4) do not apply to the extent that the municipality approving a plan obtains the written concurrence of taxing districts imposing at least 75 percent of the total amount of taxes imposed under permanent rates in the urban renewal area; and

WHEREAS, Metro imposes property taxes under a permanent rate in the TIF Zones and wishes to indicate its acceptance of the TIF Zones Revenue Sharing formula and the resulting proposed increase in revenues to be distributed to the County as described in the TIF Zones Plans and in the Reports accompanying the TIF Zones Plans, now therefore

BE IT RESOLVED that the Metro Council hereby concurs with the TIF Zones Revenue Sharing formula and agrees that the revenue limitations otherwise applicable under ORS 457.440(4) will not apply

ADOPTED by the Metro Council this [insert date] day of October 2013.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

Date: September 18, 2013

Re: Proposed Tax Increment Financing Urban Renewal Plan
Building 83 - 26440 SW Parkway Avenue Urban Renewal Plan

I. **BACKGROUND**

On September 9, 2013, we sent you information about five potential new urban renewal zones in Wilsonville (TIF Zones). The original concept that was voted on by Wilsonville residents allowed up to six TIF Zones. At the time of the earlier correspondence, only five of the property owners had indicated an interest to be included. On Tuesday, September 10, 2013, the sixth property owner confirmed their desire to be included. All six proposed TIF Zones are shown in Figure 1. This letter is the official transmission of the sixth proposed TIF Zones urban renewal plan and report.

We are attaching the DRAFT proposed urban renewal plan and report for the sixth TIF Zone property, Building 83 – 26440 SW Parkway Avenue Urban Renewal Plan, to this correspondence. The concept is the same in each of the proposed TIF Zones: the primary project within each urban renewal area will be the return of incremental property taxes to developers as an incentive for redevelopment. Another small use of funds will be to pay for the preparation and administration of the Plans.

At this time, we are working to identify the assessed value of the property so we can estimate the frozen base. There are two tables in the attached report that are incomplete as we do not have this information, Table 4 on page 17 and Table 7 on page 23 . However, this information will not impact the taxing jurisdictions as the proposed maximum indebtedness is the factor that will impact taxing jurisdictions. The maximum indebtedness proposed for each TIF Zones Plan is the same: \$12 million. The impacts table included in this memorandum shows the impacts, which are the same, for each proposed zone in Clackamas County.

The purpose of the plan's project is to use urban renewal funds as an incentive to the private sector to convert under-utilized industrial buildings into higher value manufacturing sites in each of the Urban Renewal Areas (Areas), and ultimately spur industrial redevelopment, capital investment, and job creation. This project will provide tax rebates of a portion of incremental property tax increases to qualifying investments in each of the Areas.

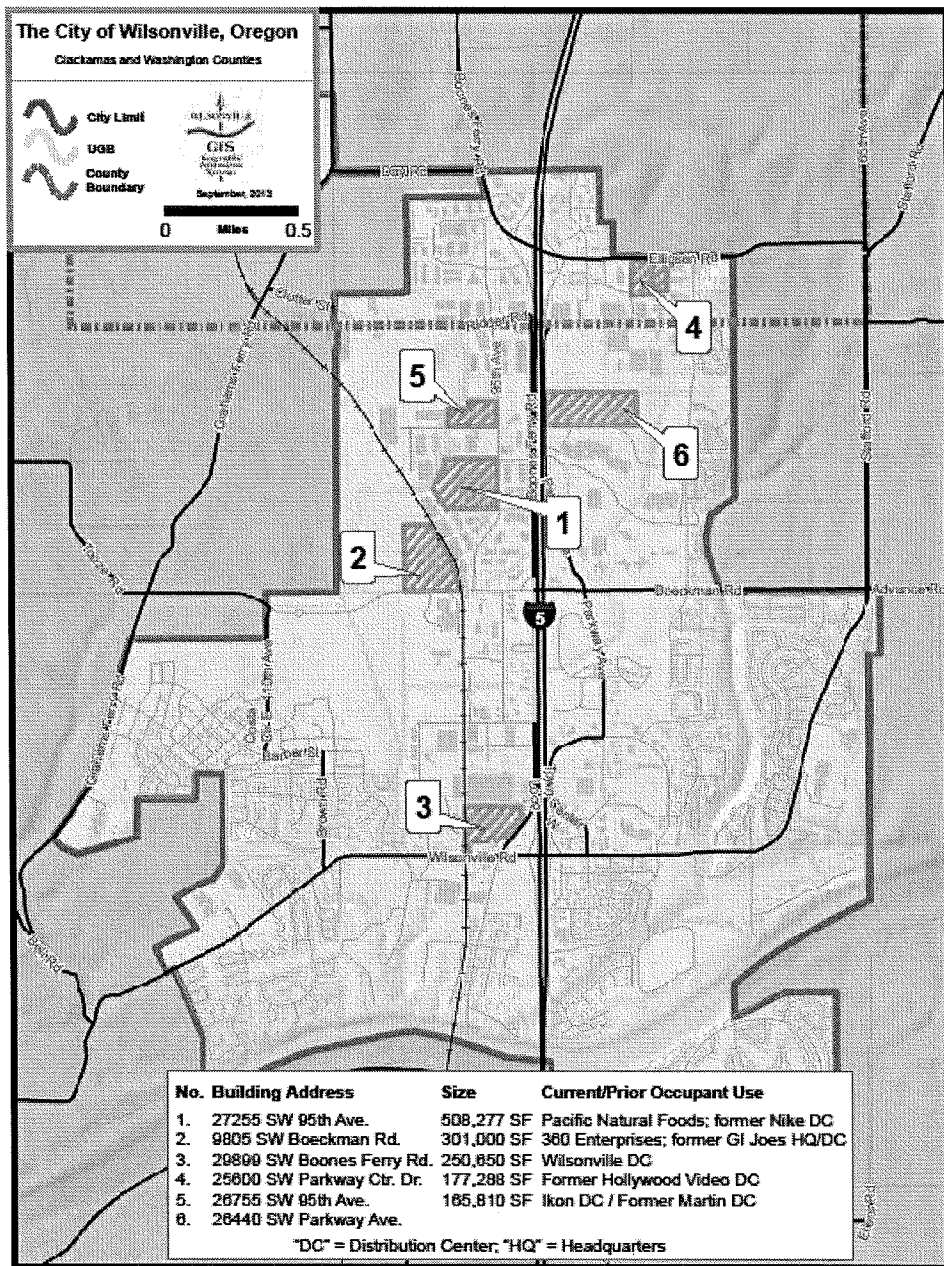
The legal requirements for the adoption of an urban renewal plan stipulate that the proposed urban renewal plan be sent to representatives of overlapping taxing districts. Although the approval of overlapping taxing districts is not typically required, the proposed revenue sharing with the taxing jurisdictions is different than that defined in the statutes. Therefore, we are asking each board of each taxing jurisdiction **to adopt the attached resolution to concur with this revenue sharing concept**. The proposed revenue sharing for these TIF Zones Plans exceeds

the revenue sharing defined in ORS 457. This resolution has been modified from the one sent on September 9th to indicate this sixth TIF Zone.

In addition, the City Council is required to respond specifically to any written recommendations of the districts.

The Wilsonville City Council is scheduled to consider the adoption of the proposed TIF Zones Urban Renewal Plans on October 21, 2013 at Wilsonville City Hall, 29799 SW Town Center Loop E, Wilsonville, Oregon at 7:00 pm.

Figure 1 – Proposed TIF Zones



Tables 1a and 1b show the projected impacts to the taxing districts as a result of the proposed TIF Zones Urban Renewal Plans. (Tables 6a and 6b in each of the reports on the plans.) These tables compare a taxing jurisdiction's revenue scenario where development occurs and the proposed TIF Zones exist with a scenario where the exact same amount of development occurs but there is no TIF Zone.

The West Linn-Wilsonville School District and the Clackamas Education Service District are not *directly* affected by the tax increment financing, but the amounts of their taxes divided for the urban renewal plan are shown in the charts. Under current school funding law, property tax revenues are combined with State School Fund revenues to achieve per-student funding targets. Under this system, property taxes that are foregone because of the use of Tax Increment Financing are replaced (as determined by a funding formula at the State level) with State School Fund revenues.

Table 1a – Projected Impact on Taxing District Permanent Rate Levies (General Government)

FYE	Clackamas County	Tualatin Valley Fire & Rescue	City of Wilsonville	Port of Portland	Metro	COUNTY EXTENSION & 4-H	COUNTY LIBRARY	COUNTY SOIL CONS	VECTOR CONTROL	Subtotal
2013	-	-	-	-	-	-	-	-	-	-
2014	-	-	-	-	-	-	-	-	-	-
2015	-	-	-	-	-	-	-	-	-	-
2016	-	-	-	-	-	-	-	-	-	-
2017	(223,673)	(141,896)	(234,502)	(6,522)	(8,987)	(4,652)	(36,972)	(4,652)	(605)	(662,461)
2018	(397,755)	(252,332)	(417,012)	(11,597)	(15,982)	(8,272)	(65,746)	(8,272)	(1,075)	(1,178,043)
2019	(537,473)	(340,967)	(563,494)	(15,671)	(21,595)	(11,178)	(88,841)	(11,178)	(1,453)	(1,591,850)
2020	(430,170)	(272,895)	(450,997)	(12,543)	(17,284)	(8,946)	(71,105)	(8,946)	(1,163)	(1,274,049)
2021	(344,323)	(218,435)	(360,994)	(10,040)	(13,835)	(7,161)	(56,915)	(7,161)	(931)	(1,019,795)
2022	(202,808)	(128,659)	(212,627)	(5,913)	(8,149)	(4,218)	(33,523)	(4,218)	(548)	(600,663)
2023	(90,665)	(57,517)	(95,054)	(2,644)	(3,643)	(1,886)	(14,986)	(1,886)	(245)	(268,526)
Total	(2,226,867)	(1,412,701)	(2,334,680)	(64,930)	(89,475)	(46,313)	(368,088)	(46,313)	(6,020)	(6,595,387)

Source: ECONorthwest

Table 1b – Projected Impact on Taxing District Permanent Rate Levies (Education and Totals)

FYE	COM COLL CLACK (perm)	ESD CLACKAMAS	SCH WLINN/WILS (perm)	Education Subtotal	General Government Subtotal	Total
2013	-	-	-	-	-	-
2014	-	-	-	-	-	-
2015	-	-	-	-	-	-
2016	-	-	-	-	-	-
2017	(51,932)	(34,302)	(452,927)	(539,161)	(662,461)	(1,201,622)
2018	(92,349)	(60,998)	(805,436)	(958,783)	(1,178,043)	(2,136,826)
2019	(124,789)	(82,425)	(1,088,359)	(1,295,573)	(1,591,850)	(2,887,423)
2020	(99,876)	(65,969)	(871,075)	(1,036,920)	(1,274,049)	(2,310,969)
2021	(79,944)	(52,804)	(697,240)	(829,988)	(1,019,795)	(1,849,783)
2022	(47,087)	(31,102)	(410,677)	(488,866)	(600,663)	(1,089,529)
2023	(21,050)	(13,904)	(183,592)	(218,546)	(268,526)	(487,072)
Total	(517,027)	(341,504)*	(4,509,306*)	(5,367,837)	(6,595,387)	(11,963,224)

Source: ECONorthwest. Please refer to the explanation of the schools funding in the preceding section.

*This amount has traditionally been backfilled by the State School Fund to restore a portion of the school district and ESD's funding.

II. PROCESS FOR REVIEW

The process for final review of the Plans and Reports include the following steps:

September 5	Wilsonville Urban Renewal Agency review (completed for 5 TIF Zones)
September 6	Send formal notice to taxing jurisdictions (completed for 5 TIF Zones)
September 11	Planning Commission review (completed)
September/October	Presentation to Clackamas and Washington County Commissions (date not yet set)
October 1	Notice to property owners in Boones Ferry Messenger
October 21	City Council Public Hearing
November 4	City Council second reading and vote

If you would like to provide written comments they will be responded to by the Wilsonville City Council. Please provide any written comments by October 7, 2013.

For more information, please contact either Kristin Retherford, Economic Development Manager and project manager, or Bryan Cosgrove, City Manager, as shown below.

Bryan Cosgrove, City Manager	Kristin Retherford, Economic Development Manager
City of Wilsonville	City of Wilsonville
503.570.1503	503.570.1539
cosgrove@ci.wilsonville.or.us	retherford@ci.wilsonville.or.us

Sincerely,

Kristin Retherford, Economic Development Manager
City of Wilsonville
29799 SW Town Center Loop E
Wilsonville, OR 97128

Attachments:

Exhibit 1 – Building 83 – 26440 SW Parkway Avenue Plan and Report
Resolution for Adoption

September 9, 2013



29799 SW Town Center Loop E
Wilsonville, Oregon 97070
(503) 682-1011
(503) 682-1015 Fax Administration
(503) 682-7025 Fax Community Development

Metro
Martha Bennett, Chief Operating Officer
600 NE Grand Avenue
Portland, Oregon 97232-2736

Re: Proposed Tax Increment Financing Urban Renewal Plans

26755 SW 95th Avenue Urban Renewal Plan
9805 SW Boeckman Road Urban Renewal Plan
25600 SW Parkway Center Drive Urban Renewal Plan
27255 SW 95th Avenue Urban Renewal Plan
29899 SW Boones Ferry Road Urban Renewal Plan

Dear Ms. Bennett,

On March 12, 2013 the citizens of Wilsonville voted in favor of creating up to six single-property Urban Renewal Districts to incentivize capital investment and job creation by manufacturers. These Urban Renewal Districts, which will be referred to as Tax Increment Financing Zones (TIF Zones) will provide incentives to qualifying companies by rebating up to 75% of the property tax increment in each TIF Zone. Approximately 1% of the increment will be collected by the Wilsonville Urban Renewal Agency for administrative costs, and the remaining increment (approximately 24%) will be under-levied and shared by the overlapping taxing districts.

If no qualifying investment is made within five years of creating these TIF Zones they will be closed down and the properties returned to the tax rolls. If a qualifying investment does occur within any given TIF Zone, a business may receive an initial three-year or five-year rebate depending on criteria more fully explained below, and may qualify for more than one rebate period up to a maximum of ten years of rebates commencing with the first rebate. The TIF Zones have a maximum lifespan of fifteen years from the date of creation, at which point they will be closed and all property tax revenues returned to the tax rolls. The maximum indebtedness for each TIF Zone is being set at \$12 million. No borrowing will occur in these urban renewal areas; rather the debt obligation will consist of the rebate agreements with qualifying companies. More details on the financial mechanics of these TIF Zones is provided below.

Until a business submits an application and qualifies for this rebate program in any given TIF Zone all tax increment from that TIF Zone, excluding the small percentage for administrative costs, will be under-levied each year and shared with other taxing districts.



This letter includes a copy of the Urban Renewal Plan and Report for each TIF Zone in compliance with ORS 457. Because the increment sharing model to occur under these plans exceeds that required by ORS 457, thus deviating from statute, we are asking each taxing district to approve the resolution included in this packet indicating that your agency accepts this higher level of revenue sharing in lieu of the statutory requirement.

Additional background information is provided below.

I. BACKGROUND

The March 12, 2013 election approving creation of these TIF Zones was the result of nearly a year of public process that began with the creation of an Economic Development Advisory Committee in the spring of 2012, City Council's adoption of an Economic Development Strategy in August 2012, and the convening of an Economic Development Task Force in November 2012 to further examine the issues of business incentives and attributes. On April 15, 2013, the Wilsonville Urban Renewal Agency approved URA Resolution 230 recommending that City Council create multiple single-property urban renewal districts, to be called Tax Increment Finance Zones (TIF Zones), and authorizing staff to begin the work necessary to create the TIF Zones. Draft Plans have been prepared and are out for public review.

The Wilsonville City Council is considering adoption of ordinances to establish five TIF Zones located at 26755 SW 95th Avenue, 9805 SW Boeckman Road, 25600 SW Parkway Center Drive, 27255 SW 95th Avenue, and 29899 SW Boones Ferry Road (Figure 1). Four of these are in Clackamas County and one in Washington County. The primary project within each urban renewal area will be the return of incremental property taxes to developers as an incentive for redevelopment. Another small use of funds will be to pay for the preparation and administration of the Plans.

The purpose of each plan's project is to use urban renewal funds as an incentive to the private sector to convert under-utilized industrial buildings into higher value manufacturing sites in each of the Urban Renewal Areas (Areas), and ultimately spur industrial redevelopment, capital investment, and job creation. These projects will provide tax rebates of a portion of incremental property tax increases to qualifying investments in each of the Areas.

II. STATUTORY REQUIREMENTS

The legal requirements for the adoption of an urban renewal plan stipulate that the proposed urban renewal plan be sent to representatives of overlapping taxing districts. Although the approval of overlapping taxing districts is not typically required, the proposed revenue sharing with the taxing jurisdictions is different than that defined in the statutes. Therefore, we are asking each board of each taxing jurisdiction to **adopt the attached resolution to concur with this revenue sharing concept**. The proposed revenue sharing for these TIF Zones Plans exceeds the revenue sharing defined in ORS 457.

In addition, the City Council is required to respond specifically to any written recommendations of the districts. This letter is the official transmission of the five proposed TIF Zones urban renewal plans.

The Wilsonville City Council is scheduled to consider the adoption of the proposed Wilsonville Urban Renewal Plan on October 21, 2013 at Wilsonville City Hall, 29799 SW Town Center Loop E, Wilsonville, Oregon at 7:00 pm.

III. FINANCING AND IMPACT ON TAXING JURISDICTIONS

The proposed maximum indebtedness, the limit on the amount of funds that may be spent on administration, projects, and programs in each TIF Zone Area, is \$12 million. It should be understood that these urban renewal plans were developed using an investment scenario. Once a specific business signs an agreement with the City to participate in a TIF Zone, we will re-analyze the financial agreement and provide you with an update on the revenue sharing projections. **The investment modeled in Table 1 results in approximately \$12 million in maximum indebtedness, and represents the maximum investment anticipated in the building. Lower investment levels will result in lower actual tax rebates and lower actual maximum indebtedness used.** When a business negotiates an agreement with the City, the projected rebate and revenue sharing numbers will be reevaluated, but may not exceed the \$12 million maximum indebtedness established in this Plan.

The projects will rebate up to 75% of the tax increment revenue for three years for each company that:

- Invests at least \$25 million in capital improvements and/or qualified equipment, and;
- Creates 75 or more new, permanent, full-time jobs that pay a minimum of 125% of the average Clackamas County wage rate (not including benefits) in effect at the time the rebate is paid, which, for 2012, is \$25.33/hour, or a \$52,693 annual wage.

Two additional years (five total) of property tax rebates are available if the average wage of the 75 or more new jobs pay 150% of average wages paid in Clackamas County, which, for 2012, equals \$30.40 per hour, or a \$63,230 annual wage.

Additional three- and five-year rebate periods could begin, after approval by the Agency, with any additional new capital investment and job creation meeting the above minimum criteria, providing the potential for up to 10 years of rebates. Again, qualified investment needs to be made within five years of program adoption. This limits the potential life of the program and rebates to up to 15 years. Qualifying businesses must be traded-sector, such as manufacturing firms. If no qualifying investment has been made in the Area within five years of the effective date of the Plan, the Area will be dissolved.

Any businesses receiving Area benefits will be monitored by the Agency for compliance with qualifying criteria and no rebate shall be given if the business fails to meet any of the qualifications. Additionally, if a business that has received a rebate discontinues business operations in the Area within two years after it receives each rebate payment it will be required to return all or a portion of the rebate as follows. Should a business discontinue business operations within the Area within 12 months after receiving a rebate, the business shall be required to reimburse the Agency 100% of the rebate payment. Should a business discontinue business operations within 24 months of receiving a rebate, the business shall be required to reimburse the Agency 50% of the rebate payment.

The project payments are predicated upon the annual tax increment on a formulaic basis allocating first to administrative costs, then a 75/25 split of increment between the developer and impacted taxing jurisdictions. The tax increment revenues and their allocation to administrative costs, developer rebates, and the taxing jurisdictions' share of the increased property tax revenue are shown in Table 3 of each of the reports on the plans and below in Table 1.

It is anticipated that all expenditures of tax increment funding will be completed within 15 years. The maximum indebtedness for each Plan is \$12 million. In the scenario detailed in Tables 2 and 3 of each of the reports on the plans, the term of the rebate expires before all of the manufacturer's investment in equipment has depreciated. The result of this is the taxing jurisdictions begin to receive 100% of the TIF revenues in fiscal year 2023-24, and the total amount shared with taxing jurisdictions for the entire duration of the Area ends up being much higher than the net 25% share that is guaranteed during the time the developer is receiving rebates. Table 2 shows the total projected rebate to the developer in this scenario would be \$11,821,851, while the amount received by taxing jurisdictions is estimated at \$8,247,490 over the 15-year life of the Plan. This is actually 40.8% of the total tax increment revenue.

Chart 1 depicts this scenario. Each individual investment provides rebates to the developer, and a portion of extra tax increment to taxing jurisdictions, for a five-year period, with any remaining increment shared with the taxing jurisdictions when that rebate period expires. The 3 investments are depicted in consecutive years, as shown by the 1, 2, and 3 on the horizontal axis of the chart. As shown, once any one investment reaches the sixth year, all of the tax increment from that investment is shared with the taxing jurisdictions. This would be accomplished through an under levy.

Since revenue sharing is anticipated at the onset of the Plan, and this revenue sharing exceeds the potential amount of distributions through revenue sharing required in ORS 457.470, **we are asking the taxing jurisdictions for concurrence with the revised revenue sharing per ORS 457.470(7).** Table 3 and Chart 2 depict the differences between the two revenue sharing concepts. A resolution to be passed by your board for this concurrence is attached. **Please notify us when this resolution is passed.**

Table 1 – Investment Schedule

Investment Amount			
Year	Schedule 1	Schedule 2	Schedule 3
2013			
2014			
2015	\$ 137,000,000		
2016		\$135,000,000	
2017			\$135,000,000

Source: ECONorthwest

Table 2 – Tax Increment Revenues and Allocations to Project Costs Sample Scenario

FYE	URA Admin	Rebate	Shared	Total
2013	-	-	-	-
2014	-	-	-	-
2015	-	-	-	-
2016	-	-	-	-
2017	\$28,883	\$1,172,736	\$390,911	\$1,592,530
2018	\$17,390	\$2,119,437	\$706,479	\$2,843,306
2019	\$17,912	\$2,869,511	\$956,504	\$3,843,927
2020	\$18,449	\$2,292,519	\$764,173	\$3,075,141
2021	\$19,002	\$1,830,780	\$610,260	\$2,460,042
2022	\$19,572	\$1,069,956	\$878,472	\$1,968,000
2023	\$20,159	\$466,912	\$1,075,757	\$1,562,828
2024	-	-	\$1,204,211	\$1,204,211
2025	-	-	\$859,716	\$859,716
2026	-	-	\$515,223	\$515,223
2027	-	-	\$228,592	\$228,592
2028	-	-	\$57,192	\$57,192
2029	-	-	-	-
2030	-	-	-	-
Total	\$141,367	\$11,821,851	\$8,247,490	\$20,210,708

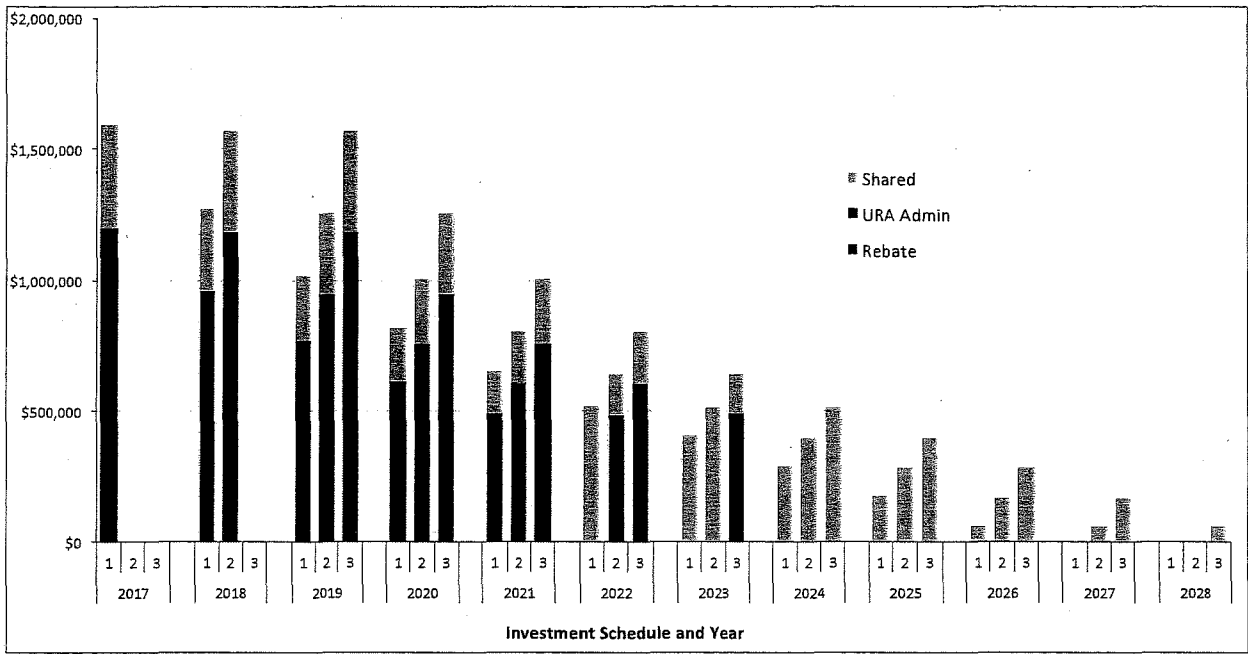
Source: ECONorthwest, FYE: Fiscal Year End, URA: Urban Renewal Area

Table 3 – Proposed Versus Standard Revenue Sharing

FYE	TIF Zone Proposal		Standard Rev. Sharing	
	For URA	Shared	For URA	Shared
2017	\$1,201,619	\$390,911	\$1,592,530	\$0
2018	\$2,136,827	\$706,479	\$1,500,000	\$1,343,306
2019	\$2,887,423	\$956,504	\$1,500,000	\$2,343,927
2020	\$2,310,968	\$764,173	\$1,500,000	\$1,575,141
2021	\$1,849,782	\$610,260	\$1,500,000	\$960,042
2022	\$1,089,528	\$878,472	\$1,500,000	\$468,000
2023	\$487,071	\$1,075,757	\$1,500,000	\$62,828
2024	\$0	\$1,204,211	\$1,204,211	\$0
2025	\$0	\$859,716	\$859,716	\$0
2026	\$0	\$515,223	\$515,223	\$0
2027	\$0	\$228,592	\$228,592	\$0
2028	\$0	\$57,192	\$57,192	\$0
Total	\$11,963,218	\$8,247,490	\$13,457,464	\$6,753,244

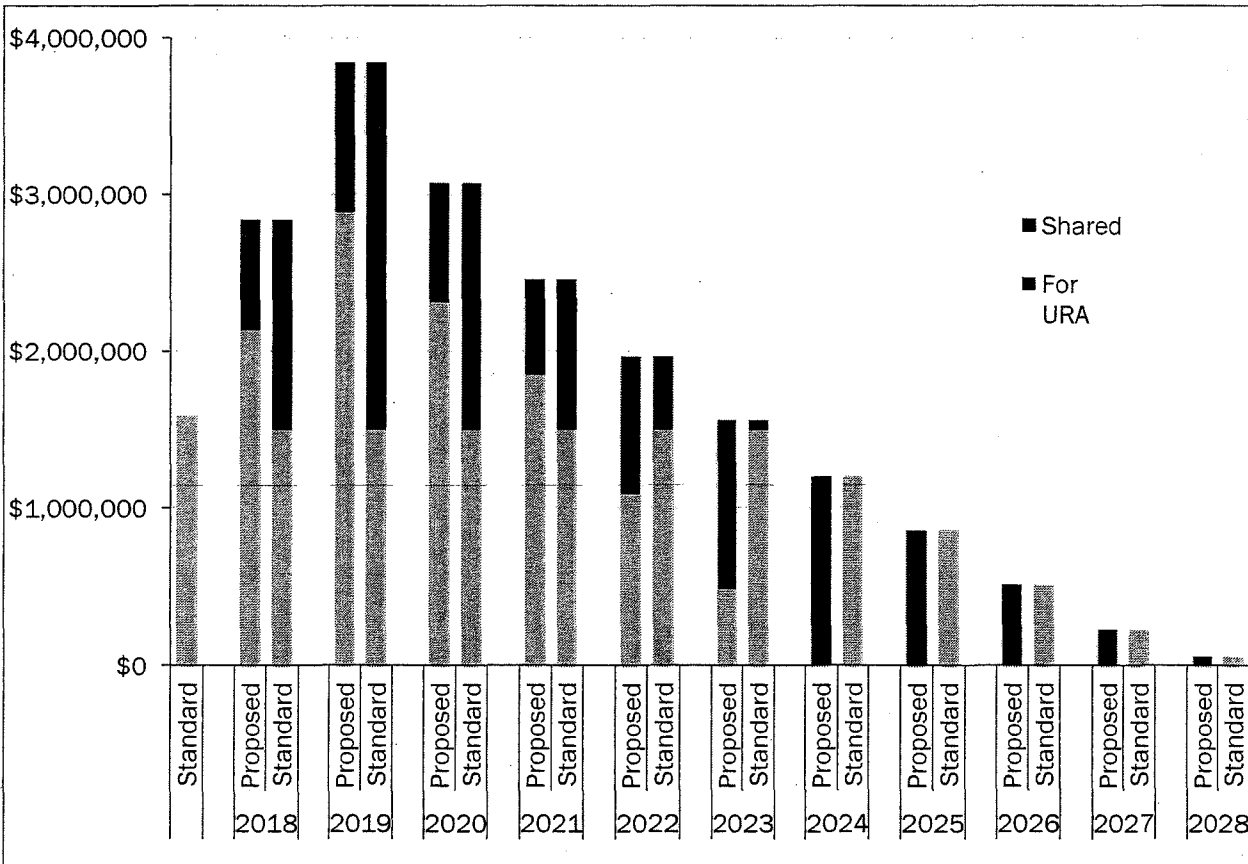
Source: ECONorthwest, URA: Urban Renewal Area

Chart 1 – Investment, Amortization, and Rebate Schedule



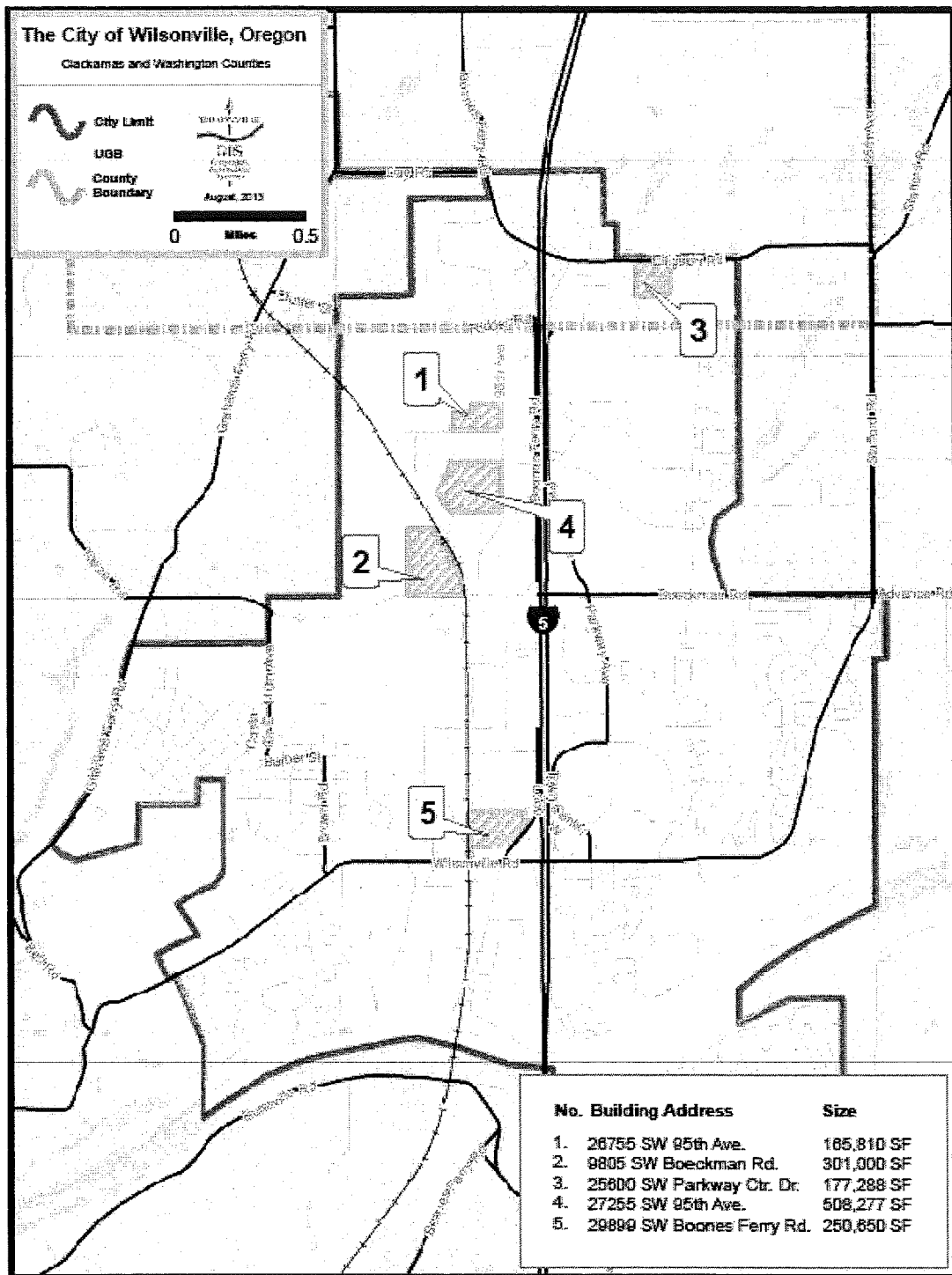
Source: ECONorthwest, URA: Urban Renewal Area

Chart 2 – Proposed Versus Standard Revenue Sharing



Source: ECONorthwest, URA: Urban Renewal Area

Figure 1 – Proposed TIF Zones



Tables 4a and 4b show the projected impacts to the taxing districts as a result of the proposed TIF Zones Urban Renewal Plans. (Tables 6a and 6b in each of the reports on the plans.) These tables compare a taxing jurisdiction's revenue scenario where development occurs and the proposed TIF Zones exist with a scenario where the exact same amount of development occurs but there is no TIF Zone.

The West Linn-Wilsonville School District and the Clackamas Education Service District are not *directly* affected by the tax increment financing, but the amounts of their taxes divided for the urban renewal plan are shown in the charts. Under current school funding law, property tax revenues are combined with State School Fund revenues to achieve per-student funding targets. Under this system, property taxes that are foregone because of the use of Tax Increment Financing are replaced (as determined by a funding formula at the State level) with State School Fund revenues.

Table 4a – Projected Impact on Taxing District Permanent Rate Levies (General Government)

FYE	Clackamas County	Tualatin Valley Fire & Rescue	City of Wilsonville	Port of Portland	Metro	COUNTY EXTENSION & 4-H	COUNTY LIBRARY	COUNTY SOIL CONS	VECTOR CONTROL	Subtotal
2013	-	-	-	-	-	-	-	-	-	-
2014	-	-	-	-	-	-	-	-	-	-
2015	-	-	-	-	-	-	-	-	-	-
2016	-	-	-	-	-	-	-	-	-	-
2017	(223,673)	(141,896)	(234,502)	(6,522)	(8,987)	(4,652)	(36,972)	(4,652)	(605)	(662,461)
2018	(397,755)	(252,332)	(417,012)	(11,597)	(15,982)	(8,272)	(65,746)	(8,272)	(1,075)	(1,178,043)
2019	(537,473)	(340,967)	(563,494)	(15,671)	(21,595)	(11,178)	(88,841)	(11,178)	(1,453)	(1,591,850)
2020	(430,170)	(272,895)	(450,997)	(12,543)	(17,284)	(8,946)	(71,105)	(8,946)	(1,163)	(1,274,049)
2021	(344,323)	(218,435)	(360,994)	(10,040)	(13,835)	(7,161)	(56,915)	(7,161)	(931)	(1,019,795)
2022	(202,808)	(128,659)	(212,627)	(5,913)	(8,149)	(4,218)	(33,523)	(4,218)	(548)	(600,663)
2023	(90,665)	(57,517)	(95,054)	(2,644)	(3,643)	(1,886)	(14,986)	(1,886)	(245)	(268,526)
Total	(2,226,867)	(1,412,701)	(2,334,680)	(64,930)	(89,475)	(46,313)	(368,088)	(46,313)	(6,020)	(6,595,387)

Source: ECONorthwest

Table 4b – Projected Impact on Taxing District Permanent Rate Levies (Education and Totals)

FYE	COM COLL CLACK (perm)	ESD CLACKAMAS	SCH WLINN/WILS (perm)	Education Subtotal	General Government Subtotal	Total
2013	-	-	-	-	-	-
2014	-	-	-	-	-	-
2015	-	-	-	-	-	-
2016	-	-	-	-	-	-
2017	(51,932)	(34,302)	(452,927)	(539,161)	(662,461)	(1,201,622)
2018	(92,349)	(60,998)	(805,436)	(958,783)	(1,178,043)	(2,136,826)
2019	(124,789)	(82,425)	(1,088,359)	(1,295,573)	(1,591,850)	(2,887,423)
2020	(99,876)	(65,969)	(871,075)	(1,036,920)	(1,274,049)	(2,310,969)
2021	(79,944)	(52,804)	(697,240)	(829,988)	(1,019,795)	(1,849,783)
2022	(47,087)	(31,102)	(410,677)	(488,866)	(600,663)	(1,089,529)
2023	(21,050)	(13,904)	(183,592)	(218,546)	(268,526)	(487,072)
Total	(517,027)	(341,504)*	(4,509,306*)	(5,367,837)	(6,595,387)	(11,963,224)

Source: ECONorthwest. Please refer to the explanation of the schools funding in the preceding section.

*This amount has traditionally been backfilled by the State School Fund to restore a portion of the school district and ESD's funding.

IV. PROCESS FOR REVIEW

The process for final review of the Plans and Reports include the following steps:

September 5	Wilsonville Urban Renewal Agency review (completed)
September 9	Send formal notice to taxing jurisdictions
September 11	Planning Commission review
September/October	Presentation to Clackamas and Washington County Commissions (date not yet set)
October 1	Notice to property owners in Boones Ferry Messenger
October 21	City Council Public Hearing
November 4	City Council second reading and vote

The five draft TIF Zones Plans and Reports are enclosed with this letter. If you would like to provide written comments they will be responded to by the Wilsonville City Council. Please provide any written comments by October 7, 2013.

For more information, please contact me at 503.570.1539 or retherford@ci.wilsonville.or.us.

Sincerely,



Kristin Retherford, Economic Development Manager
City of Wilsonville
29799 SW Town Center Loop E
Wilsonville, OR 97128

Attachments:

26755 SW 95th Avenue Urban Renewal Plan
9805 SW Boeckman Road Urban Renewal Plan
25600 SW Parkway Center Drive Urban Renewal Plan
27255 SW 95th Avenue Urban Renewal Plan
29899 SW Boones Ferry Road Urban Renewal Plan

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 13-4469, FOR THE PURPOSE OF APPROVING THE CITY OF WILSONVILLE TAX INCREMENT FINANCING REQUEST FOR FIVE URBAN RENEWAL AREAS.

Date: 10/24/13

Prepared by: Tim Collier X1913
Brian Harper X 1833

BACKGROUND

On March 12, 2013 the citizens of Wilsonville voted in favor of creating up to six single property Urban Renewal Districts to incentivize capital investment and job creation by manufacturers. The City is proposing 5 parcel-specific Urban Renewal Areas (none of which are located within their Town Center), that will each be capped at a \$12 million dollar increment over a 15 year period. The proposal for each area is to allow for up to 75% of the property tax to be collected as increment and rebated to the company/developer that offers improvements to the properties that meet specific metrics. The metrics focus on job creation and average pay for positions created. The remaining 25% of the increment will then be split between a 1% administrative overhead cost, and 24% split back up among the original, overlapping taxing entities. If no development occurs on a particular property within the 15 year timeframe, the URA is dissolved and the no tax dollars are collected towards the increment.

Although this is a rather unique application of the Urban Renewal model, there does not seem to be any conflict with regional policies or regulations regarding the practice. Metro staff are familiar with the sites discussed in this effort, and the City has made it clear that drawing manufacturing and higher-paying jobs to these sites is a priority. The City of Wilsonville is convinced, based on the lack of private investment to date, that the Urban Renewal designation will spur interest in the private sector to consider these parcels for future investment. Metro is looking forward to seeing how this new application of Urban Renewal policy fares for the City of Wilsonville, as it may have further application around the region, if proven to be successful. The projected financial impact to Metro is not expected to happen until 2017 and will be negligible to all overall property tax revenues.

ANALYSIS/INFORMATION

1. **Known Opposition** None Known
2. **Legal Antecedents** Because the increment sharing model to occur under these plans exceeds that required by ORS 457 Urban Renewal, the City of Wilsonville is asking all affected jurisdictions to approve the attached resolution acknowledging the higher level of revenue sharing in lieu of the statutory requirements.
3. **Anticipated Effects** Metro will forgo some future property taxes on increased assessed value in order to assist the City of Wilsonville with revitalizing the five TIF zones.
4. **Budget Impacts** Projected impacts do not begin until 2017. Amount of property taxes forgone over the 2017-2023 time period will be approximately \$89,000

RECOMMENDED ACTION

Staff recommends that the Metro Council support the City of Wilsonville's new application of Urban Renewal policy as the impact to Metro will be minimal, but it may have further application to other areas in the region if successful.

Materials following this page were distributed at the meeting.

Steady progress

A report to the community from the Natural Areas Program Performance Oversight Committee

The Natural Areas Program continued to make steady progress during the last year, building on the strong work accomplished since the program began.

Portland area voters expressed the value they place on natural areas when in 2006 they passed the \$227.4 million bond measure that funds Metro's Natural Areas Program. As mandated by the bond measure, the Natural Areas Program Performance Oversight Committee provides independent citizen review to help ensure this money is well spent. Our charge is to determine if the program is on the right path in terms of structure, management, expenditures, personnel and achievement of defined goals. This is our fifth annual report to the Metro Council and the community, presenting our findings on how the program has progressed during the period from July 2012 through June 2013.

"Progress" can be defined as movement forward toward a goal or as satisfactory development, growth or advance. With this definition in mind, the Oversight Committee believes the Natural Areas Program continued to make steady progress over the last year, building on the strong work accomplished since the program began:

- Program expenditures through June 2013 total approximately \$162 million, about 71 percent of the total bond measure amount.
- Regional acquisitions, local share projects and Nature in Neighborhoods capital grants are on track to fulfill the intent and goals of the bond measure.
- Sound management and staffing, effective tools and appropriate evaluation processes are working well.

Highlights of the program status and accomplishments are presented on the following pages. We also make recommendations we will follow up on during the next year to ensure the ongoing success of the program.

As designated in the 2006 bond measure, Metro's Natural Areas Program acquires and preserves natural areas throughout the Portland metropolitan region to safeguard water quality, protect fish and wildlife habitat and ensure access to nature for future generations. The program has three components:

- Regional acquisition: The acquisition of 3,500-4,500 acres from willing sellers in 27 target areas (\$168.4 million).
- Local share: \$44 million allocated to local governments for park improvement projects and locally important acquisitions.
- Nature in Neighborhoods capital grants: \$15 million for grants to community groups, nonprofits and local governments for projects that "re-green" or "re-nature" neighborhoods.



Metro has created a program that has steadily grown to protect the best of our region's open spaces for the future.

—Drake Butsch, committee chair

REGIONAL ACQUISITION

The Oversight Committee continues at each meeting to review dashboard reports that provide useful information about acquisitions in each of the 27 target areas (20 natural areas and seven trail/greenway corridors). These reports show that:

- This year, Metro acquired 377 acres of natural areas. Acquisitions to date total 4,313 acres, exceeding the overall goal of 3,546 acres.
- Metro has acquired 274 acres of trails and greenway corridors. Several of these acquisitions will help fill missing sections in trail networks throughout the region.
- Total expenditures for regional acquisition to date are \$120.6 million, about 72 percent of the \$168.4 million allocated in the 2006 bond measure.
- The performance measures applied to all acquisitions indicate that the program is on track in terms of achieving water quality, wildlife habitat, public and financial benefits.
- There are still some target areas where few acquisitions have been made. Metro continually monitors these areas to identify and pursue acquisition opportunities.

Based on this information, the committee is satisfied with the progress of regional acquisition.

The committee recommended last year that staff should apply the performance measures to all target areas as a whole to obtain a composite picture of program performance and benefits. With more consideration, however, staff and the committee determined that the results would be too general to be of use. Instead, staff will continue to apply the performance measures to individual target areas to assess the cumulative effects of multiple acquisitions within each area.

Recommendations

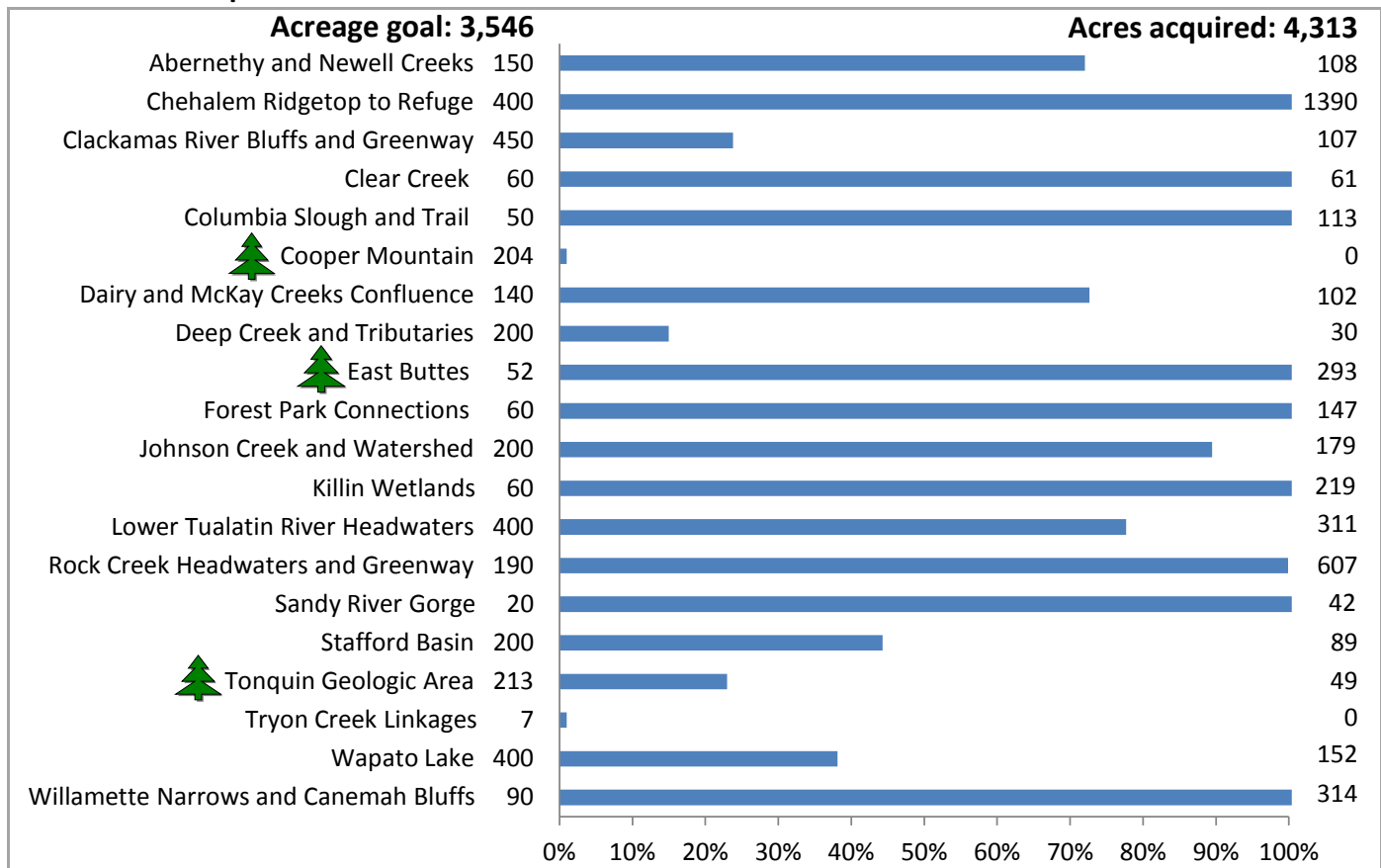
- Staff and the Oversight Committee should continue to track progress in target areas where few acquisitions have been made to date.
- The Oversight Committee should assess the process for evaluating acquisition opportunities outside of target areas.

OVERSIGHT COMMITTEE MEMBERS

Drake Butsch	Builder's Services Manager/VP, First American Title
Dean Alterman	Attorney, Folawn, Alterman & Richardson LLP
Michelle Cairo	Chief Financial Officer, Opus Solutions
Bill Drew	Attorney, Elliott, Ostrander & Preston, PC
Christine Dupres	Project Manager, National Policy Consensus Center
Autumn Hickman	Senior Vice President, Umpqua Bank
Walt McMonies	Attorney, Roberts Kaplan LLP
Rick Mishaga	Wildlife Ecologist, Environmental Consultant (Retired)
Peter D. Mohr	Attorney, Jordan Ramis PC
Shawn Narancich	Vice President of Research, Ferguson Wellman Capital Management
Andrew Nordby	Principal Broker, GRI, SRES, Re/Max Equity Group
Norman Penner	Lt. Col., MSC Retired; Board Member, Friends of the Tualatin Refuge and Washington County Visitors Association
Kendra Smith	Willamette Watershed Program Director, Bonneville Environmental Foundation
Cam Turner	Principal, United Fund Investors

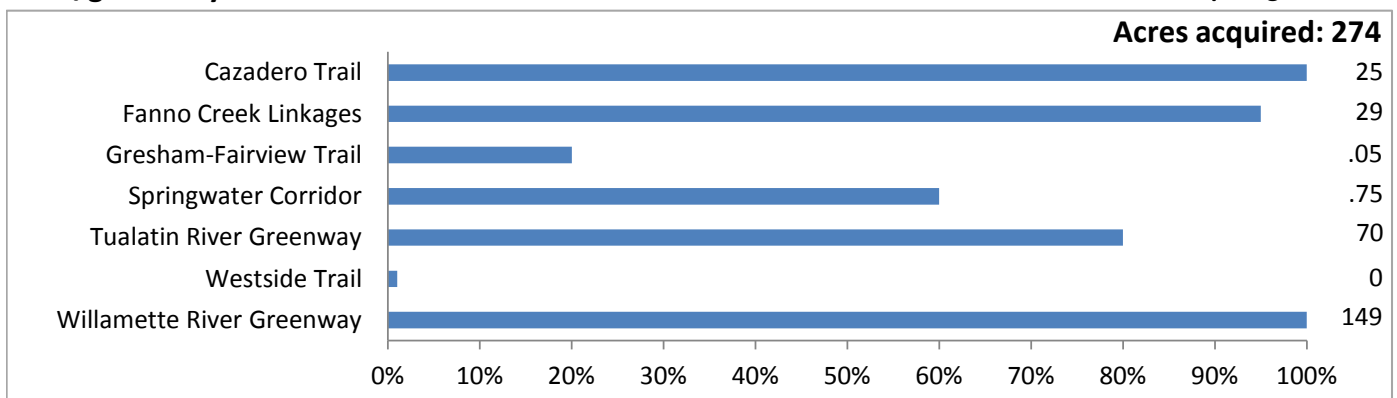
DASHBOARD REPORT HIGHLIGHTS June 30, 2013

Natural area acquisition Park built Percent of 2006 refinement plan acreage goals met or exceeded




Trail/greenway corridors

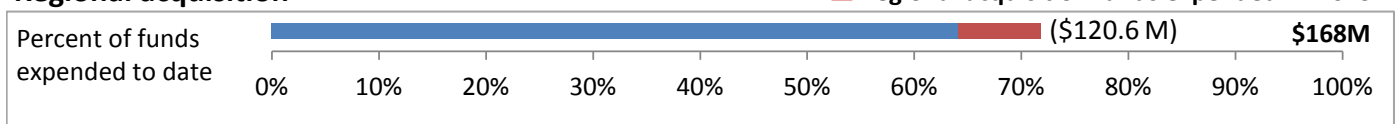
 Percent of 2006 refinement plan goals met



Regional acquisition

 Regional acquisition funds expended through 6/30/12

 Regional acquisition funds expended FY 2013



LOCAL SHARE

This year, local jurisdictions expended \$5.6 million for local share projects. To date, local jurisdictions have expended \$36.6 million for local share projects, representing 83 percent of the total \$44 million allocated to this program component. This comprises a total of 93 acquisitions, 45 park improvement projects and nine trail enhancements.

In response to the committee's recommendation last year to develop performance measures for local share projects, staff created a new summary report that combines quantitative and qualitative information about this program component. The committee reviews an updated report at every meeting and believes the reports serve as an appropriate evaluation tool in lieu of performance measures.

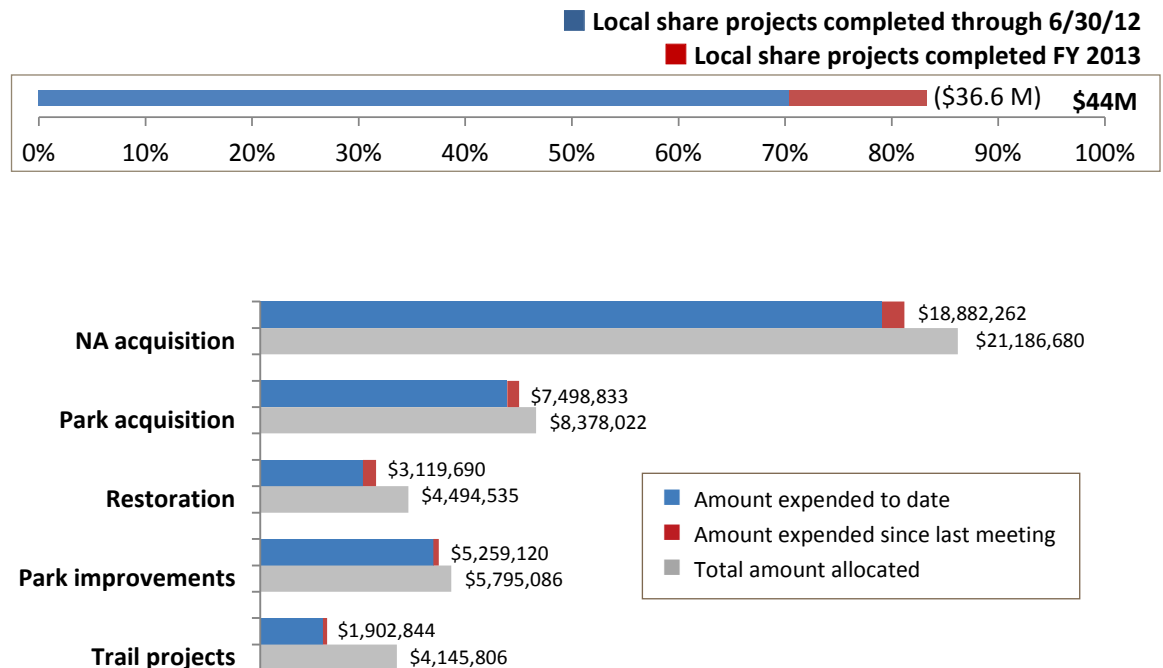
Staff also conducted a survey in summer 2012 to help evaluate program performance and benefits to local communities. The survey results show that both the program and Metro are well regarded by the participating agencies and that many examples of successful leverage and partnerships have occurred.

The Oversight Committee agrees that the local share component is progressing satisfactorily.

Recommendation

- The Oversight Committee should continue to monitor expenditures within the local share program via the summary report.

DASHBOARD REPORT HIGHLIGHTS June 30, 2013



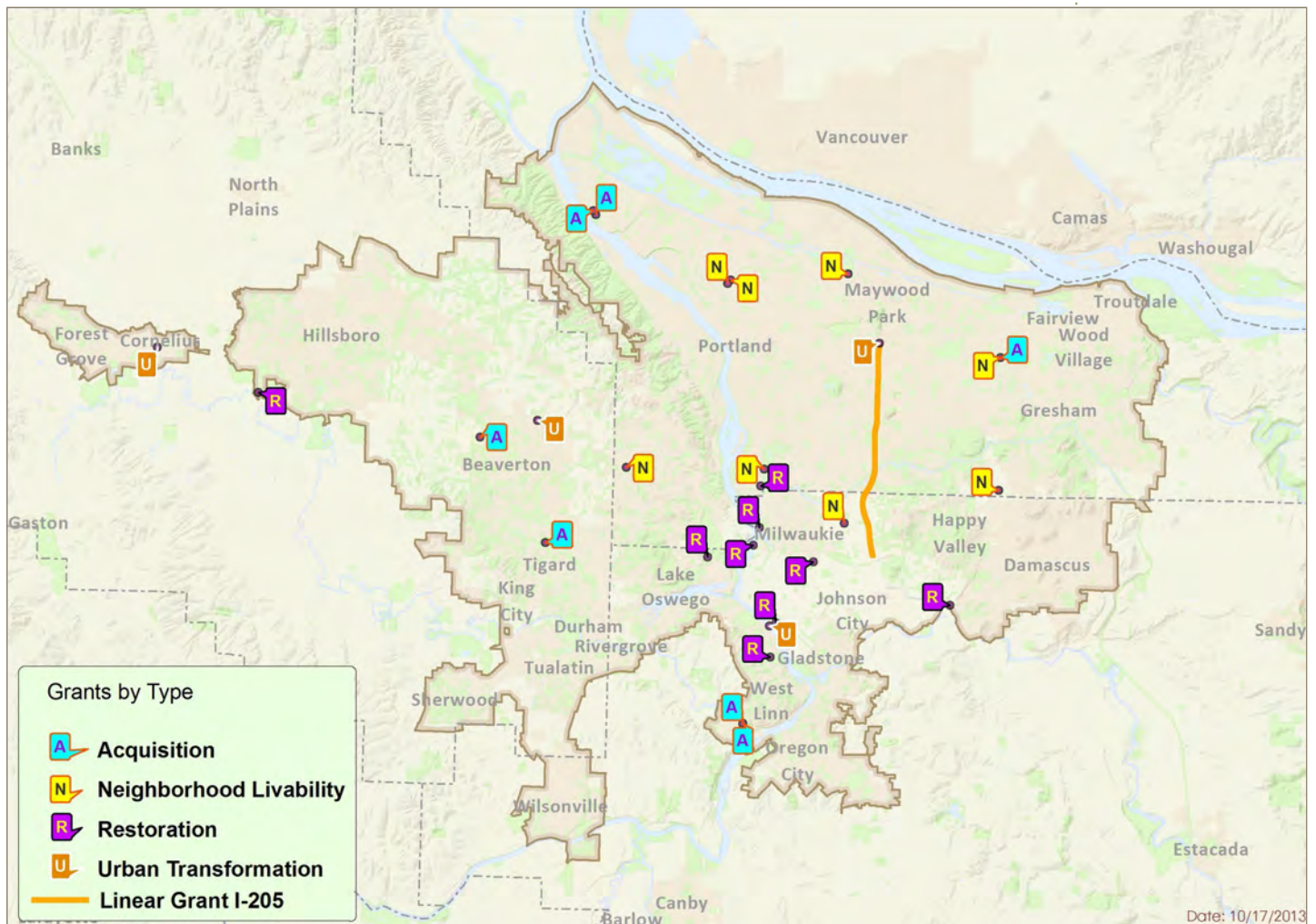
NATURE IN NEIGHBORHOODS CAPITAL GRANTS

Metro awarded four capital grants this year, bringing the total number of projects to 28.

Total grants to date add up to \$7.5 million, representing 50 percent of the \$15 million allocated to this program component.

As the map below shows, grant projects are located throughout the region and comprise four project categories: land acquisition, urban transformation, restoration and neighborhood livability. Staff continues to conduct comprehensive outreach and work with applicants to facilitate projects in underserved communities.

CAPITAL GRANTS BY TYPE OF PROJECT AWARDED



The capital grants program was designed to stimulate innovation by encouraging new agency/community partnerships and allowing a variety of matching funding sources. This approach has been borne out by the success of projects that would likely otherwise not have occurred. For example, Friends of Trees and the Oregon Department of Transportation recently completed a three-year planting project along the Interstate 205 pedestrian path, which serves as a model for other roadside landscaping projects.

The Oversight Committee is kept apprised of this program component through a new capital grants summary report developed by staff and through periodic briefings

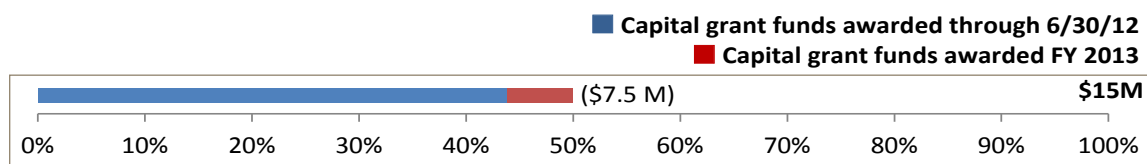
by the chair of the Capital Grants Review Committee. Performance measures, grant review reports and closing memos also continue to serve as tracking and evaluation tools.

The committee believes this program component has adequate tools in place, is demonstrating advantageous flexibility and innovation, and is on track to meet goals.

Recommendation

- The Oversight Committee should review the capital grants program and the selected projects following each award cycle.

DASHBOARD REPORT HIGHLIGHTS June 30, 2013



Project type	Number of projects	Amount awarded
Acquisition	7	\$2,937,681
Urban transformation	4	\$1,435,811
Restoration	9	\$1,734,304
Neighborhood livability	8	\$1,391,241
Total	28	\$7,499,037

Program staff are very receptive to the committee's concerns of how bond funds are used, providing members opportunity to both question and understand how and why certain commitments to acquisition and other programs have been made as they have. —Peter Mohr, committee member

OTHER OVERSIGHT COMMITTEE REVIEW

TERRAMET: NATURAL AREAS INFORMATION SYSTEM

The Terramet information system provides a single integrated database for the Natural Areas Program. Phase I has been in place since July 2012 and Phase II began implementation in July 2013. The system provides accurate, up-to-date information about each acquired property, tracks restoration and land management activities, and facilitates data access and reporting.

The Oversight Committee agrees with staff that Terramet enhances program management and efficiency and will result in long-term savings. The committee also supports Metro's exploration of whether other groups could also use Terramet's framework to realize potential regionwide savings and coordination.

ADMINISTRATIVE COSTS AND STAFFING

The committee reviewed Metro's cost allocation system, which is based on federal guidelines. With this system, central services costs (such as accounting, information services, human resources and general administration) are allocated among various Metro programs, based on program budgets and other factors. A new allocation method implemented in fiscal year 2012-13 included capital costs in the program budget totals for allocation purposes. As a result, the Natural Areas Program's overall administrative costs (as a percentage of total program expenditures) were higher this year than in previous years. The Oversight Committee expressed some concern about this result, while noting that administrative costs over the course of the program still average only 6.44 percent, well under the 10 percent limit required by the bond measure.

Last year, the program had turnover with three of its negotiators leaving Metro, which limited property acquisition. Other staffing levels appear to be adequate.

SITE STABILIZATION

Two years ago, the committee asked staff to make some changes in how acquired properties are stabilized to protect or improve site conditions. Staff reported this year that the revised guidelines, which emphasize each site's specific ecological characteristics and needs, are working very well.

UNUSUAL CIRCUMSTANCES

Staff informs the committee of any unusual circumstances in property transactions that must be authorized by the Metro Council. The committee found the three transactions brought to the Metro Council last year to be an appropriate use of this process. For example, one acquisition involved the unusual procedure of bidding on the steps of the Clackamas County courthouse and resulted in a very cost-effective acquisition. Staff also continues to update the committee on the status of the Blue Heron Co. paper mill property (within the Willamette River Greenway target area). Metro is a partner in a master planning process for the site and could consider acquiring a portion of it for public access at a later date.

"IT'S OUR NATURE" COMMUNICATIONS INITIATIVE

Metro conducted the "It's Our Nature" communications initiative in summer 2011 to engage and inform citizens about the Natural Areas Program. The intent was to undertake similar public outreach campaigns every two years. In light of the five-year parks and natural areas local option levy passed in 2013, however, Metro decided instead to conduct combined public outreach for the levy program and the Natural Areas Program in summer 2014.

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 providing services, operating venues and making decisions about how the region grows. Metro works with communities to support a resilient economy, keep nature close by and respond to changing climate. Together, we're making a great place, now and for generations to come.

Stay in touch with news, stories and things to do.

www.oregonmetro.gov/connect

Metro Council President
Tom Hughes

Metro Councilors
Shirley Craddick, District 1
Carlotta Collette, District 2
Craig Dirksen, District 3
Kathryn Harrington, District 4
Sam Chase, District 5
Bob Stacey, District 6

Auditor
Suzanne Flynn

Recommendations

- Metro staff should continue to pursue the potential use of Terramet by other regional groups.
- The Oversight Committee should review Metro's annual cost allocation method to ensure that it is equitable and that the program's administrative costs remain under 10 percent of program expenditures.
- The Oversight Committee should continue to monitor staff capacity to ensure it is adequate for program implementation.
- The Oversight Committee should continue to monitor the effectiveness of the site stabilization guidelines.
- The Oversight Committee should continue to monitor the application of unusual circumstances.

THE YEAR AHEAD

In the next year, the Oversight Committee will follow up on the recommendations made in this report and will review the Natural Areas Implementation Work Plan and opportunity acquisitions that arise outside of established target areas.

HOW TO LEARN MORE

We encourage you to learn more about Metro's Natural Areas Program and how you can be involved by visiting the Metro website.

We also welcome your feedback about what you would like to hear from us next year. Are there specific areas of concern or processes you think we should focus on? Please contact us with any ideas, suggestions or questions.

Website

www.oregonmetro.gov/naturalareas

Email

naturalareas@oregonmetro.gov

Phone

503-797-1545

For ongoing information, subscribe to GreenScene, Metro's quarterly guide to great places and green living.

www.oregonmetro.gov/greenscene



METRO COUNCIL MEETING

Meeting Summary

Oct. 10, 2013

Metro, Council Chamber

Councilors Present: Council President Tom Hughes, and Councilors Shirley Craddick, Sam Chase, Kathryn Harrington, Bob Stacey and Craig Dirksen

Councilors Excused: Councilor Carlotta Collette

Council President Tom Hughes called the regular council meeting to order at 2:04 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. CONSENT AGENDA

Motion:	Councilor Shirley Craddick moved to approve the Oct. 10, 2013 consent agenda which consisted of: <ul style="list-style-type: none">• Consideration of the Council Minutes for Oct. 3, 2013; and• Resolution No. 13-4445, For the Purpose of Approving the Sale of Certain Real Property to Union Pacific Railroad Company.
Second:	Councilor Sam Chase seconded the motion.

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

4. ORDINANCES – SECOND READ AND QUASI-JUDICIAL HEARING

4.1 Ordinance No. 13-1316, For the Purpose of Amending the Urban Growth Boundary in the Vicinity of the City of Wilsonville Upon Application By the West Linn-Wilsonville School District.

Council President Hughes stated that Ordinance No. 13-1316 required a quasi-judicial hearing. As part of the hearing process, councilors were required to declare a conflict of interest, bias or ex parte contact prior to the staff presentation. Councilor Bob Stacey stated that he informed Wilsonville Mayor Tim Knapp that he had some reservations about the West Linn-Wilsonville School District petition, but did not provide any substantive comments on the ordinance or request. No additional councilors declared conflicts of interest, biases or ex parte contacts for Ordinance No. 13-1316.

Metro Attorney Alison Kean read the procedural requirements for the quasi-judicial hearing for Ordinance No. 13-1316. Council President Hughes gavelled and opened a public hearing.

Mr. Tim O'Brien of Metro provided a presentation on the West Linn – Wilsonville School District's petition to amend the urban growth boundary (UGB) under the major amendment process outlined in Metro Code. Mr. O'Brien stated that the school district has applied to amend the UGB to add 40 acres to be used for a primary and middle school campus and city park facility. The proposed site, titled the Advance Road property, is owned by the district. The property consists of four tax lots located within unincorporated Clackamas County on the south side of SW Advance Road, immediately east of the Wilsonville city limits and west of SW 60th Avenue.

Staff's report on Hearings Officer's findings and conclusion

Mr. O'Brien stated that the hearing's officer, Andrew H. Stamp, held a public hearing on June 27, 2013 to receive testimony on the city's petition. After considering staff's presentation, public testimony, and findings of fact, Mr. Stamp submitted a proposed order that recommended support for the school district's application with two conditions:

- The subject property shall be developed with a middle school, a primary school, and a public park.
- The City of Wilsonville shall zone the subject property with a designation, such as Public Facility, that requires Site Plan Review for the subject property.

The criteria for a major amendment of the UGB are contained in Title 14 of the Urban Growth Management Functional Plan. Mr. O'Brien stated that code requirements can be divided into two sections: identifying a valid need, and secondly identifying the best location to meet the identified need. The hearings officer stated that the district did complete both long and short-term enrollment forecasts that identified potential inadequate school capacities, with the most pressing capacity shortfall at the middle school level by 2017. In addition, the city completed a park master plan in 2007 that identified a demand for additional athletic fields as the city continues to grow.

The hearings officer also addressed the second criterion related to the best location to meet the need. The officer determined that the district demonstrated an acute, short-term need for additional middle school capacity in the Wilsonville area. The district completed an analysis of six sites within the UGB based on five primary considerations including plan designation, availability, site character, location, and urban facilities, services and transportation. The district determined

that five of the six sites within the UGB were rated poor for various reasons such as close proximity to existing middle and primary school facilities and isolation from residential areas. The sixth site reviewed, 25 acres in the Frog Pond area of Wilsonville, was purchased by the district in the late 1990s, brought into the UGB in 2002, and was identified as a primary school site. However, the site was also determined insufficient for the request. The site, which is part of a larger urban growth boundary expansion area, is not anticipated to be planned or ready for development until sometime in 2016, based in part on planning requirements related to Metro's Functional Plan. Consequently, the city and district determined, and the hearings officer concurred, that this was too late to construct a new school facility to meet the 2017 enrollment needs. Additionally, the hearings officer noted that the Frog Pond site did not lend well to shared middle and primary school, and city park facilities.

Mr. O'Brien quickly noted the majority of the other criteria in the major UGB amendment process are the locational factors that are weighed and balanced to determine the most suitable location for the UGB expansion. The determination of the most suitable location occurs once the need has been validated and it has been determined that the need can't be satisfied on land already within the UGB. The district did consider numerous urban reserve areas within the district boundary, but all were determined insufficient for various reasons. (Hearing's officer report included as Exhibit A to ordinance.)

Options for Metro Council consideration

The Metro Council was presented with four options for their consideration:

1. Adopt Ordinance No. 13-1316 and approve the district's application based on the findings of fact and conclusions of law in the hearings officer's report;
2. Adopt Ordinance No. 13-1316 and approve the district's application based on revised findings of fact and conclusions of law to be prepared by Metro staff;
3. Remand the proceeding to the hearings officer for further consideration; or
4. Adopt a resolution to deny the district's application based on revised findings of fact and conclusions of law to be prepared by Metro staff.

Applicant Presentation

- Tom Woodley, West Linn – Wilsonville School District: Mr. Woodley thanked the Metro Council for their consideration. He stated that this is an important project, and that the district is already experiencing overcapacity at the middle school level.
- Keith Liden, West Linn – Wilsonville School District: Mr. Liden, a consultant for the school district, provided a presentation on the project purpose and need, the site's concept plans, and district's future growth assumptions and long range planning efforts. The district currently projects that by 2017 it will be responsible for a total of approximately 250 students over capacity at its three middle schools. Mr. Liden briefly overviewed each of the six sites in the UGB and the urban reserve expansion areas considered as part of the evaluation process – all of which were determined less suitable than the Advance Road site for the district's primary and middle school campus and city park facility needs. He specifically addressed the Frog Pond site. He stated that the district determined that the site could not be developed in the same timeframe as the Advance Road site, and was likely to cost more due to additional land acquisition needs, potential condemnation costs, and the need to acquire temporary facilities to accommodate students until the new facility was

opened. Mr. Liden stated that the end outcome for the Advance Road and Frog Pond sites were the same, as both would ultimately be surrounded by urban neighborhoods. In conclusion, Mr. Liden emphasized that Advance Road was the best alternative, citing availability of urban services and facilities, location to existing and future residential areas, and opportunities to integrate the school site into the community. He stated that the district could not wait until the next legislative UGB expansion process. (Presentation included as part of the meeting record.)

Council questions

Councilors asked clarifying questions about the district's growth projections, and immediate and long-term needs, and the timeframe in which the school district shifted interest from the Frog Pond property to the Advance Road site. Mr. Woodley clarified that the district has an immediate need for a middle school and city park facility. The primary school is part of the district's long-term vision. Mr. Liden clarified that the district's growth projections were based on developments already approved and/or expected to be approved within the current UGB in the next 3 to 4 year period.

The presenters reiterated that the Frog Pond property would not provide the right site configuration or acreage, and believed the time needed to complete the site's planning process and purchase additional land would cause a delay. As such, the district purchased the 40 acres in 2002 or 2004; citing proximity to the city and flat topography as reasoning. While the district's land acquisition was privileged information, the presenters anticipated that the change in the housing market and the complexity in planning the Frog Pond site also influenced the district's decision. The presenters also confirmed that, to date, no attempts to acquire additional properties in the Frog Pond area have been made. Additional questions addressed the provision of utilities and services, and street connections at both sites, and the potential for a future school bond measure to help finance the project's construction.

Citizens in Support of Ordinance No. 13-1316:

- Tim Knapp, City of Wilsonville: Mayor Knapp stated that it is important to plan for a complete community and stated that the Metro Code provides a specific process for this type of request. He highlighted various sections of the hearings officer's report regarding: (1) the short and long-term enrollment forecasts and identified shortfall at the middle school level; and (2) the challenges provided by Frog Pond's size and configuration, and (3) stated that even under the best-case scenario the Frog Pond site could not be planned and ready for development by 2017. In addition, he stated the Advance Road site would not only accommodate both the short and long-term needs, but provide greater efficiency through shared or coordinated services such as parking, school programs, and reduced operating and maintenance costs. Mayor Knapp emphasized the city's strong support for the application and stated that the district's proposal meets the need of the community moving forward. (Report pages referenced include 5, 13, 15, 19 and 21 of 33.)

Councilors thanked Mayor Knapp for his thoughtful testimony. Councilors asked Mayor Knapp for his opinion on why the Frog Pond site was not pursued with the same level of energy as the Advance Road property. Mayor Knapp believed the real estate market – at the time – influenced the district's decision, as the Advance Road property presented significant cost savings. He stated that the purchase was a

responsible and prudent decision that allowed the district to get mileage out of the public dollar. Mayor Knapp also stated that he would like to see Frog Pond's full acreage – approximately 125 acres –comprehensively planned for a residential community in the future.

- Meredith Frigarad, 28500 SW 60th Ave., Wilsonville: Ms. Frigarad expressed her support for the application. She stated that her and her husband were in full support of the project and stated that using the property for primary and middle school facilities and a park was essential. Having grown up in a neighborhood with schools, she could relate to the request and believed that anything the community could do to increase opportunities for the children made sense. She also stated that she lives opposite of the property, and is a parent of children who have gone through the school district.

Citizens in Opposition to Ordinance No. 13-1316:

There were none.

Rebuttal

Mr. Liden and Mr. Woodley addressed the citizen testimony and questions raised by councilors. Mr. Liden believed that the school district purchased the Advance Road site as defensive tactic as property costs increased, and as the district experienced a lack of interest from property developers and willing sellers. That said, he believed that the school district was acting in good faith, and tried to find the best location for the school.

The presenters expressed their support for the conditions recommended by the hearings officer, but not those raised by citizen member Mr. William Ciz. Mr. Ciz's comments addressed zoning requirements, permitting, and concept planning along 60th Avenue. (Written testimony submitted by Mr. Ciz included as part of the meeting record.)

Additional clarifications provided by presenters included: (1) the Advance Road site was under two legal ownerships composed of four tax lots; and (2) the Frog Pond site is approximately 2,000 feet from east to west.

Seeing no additional citizens – either in support or opposition to the application – who wished to testify, the public hearing was closed.

Council discussion

Motion:	Councilor Stacey moved to: <ol style="list-style-type: none">1. remand the hearings officer's decision based on the following findings:<ol style="list-style-type: none">a. The Metro Council concludes that the applicant has not met its burden to establish that the "Frog Pond" alternative site inside the existing UGB cannot accommodate the identified need once existing planning barriers are removed by Metro.b. The School District owns approximately 25 acres at this alternative site, which it acquired for school and park purposes, and there are adjoining vacant or nearly vacant parcels that could be aggregated with the school district's property to create a 40-acre or larger school and park site.
---------	---

	<ul style="list-style-type: none">c. The Metro Council can modify conditions adopted by Metro as part of the 2002 ordinance adding the Frog Pond area to the UGB in order to allow concept planning to occur for a subarea of the Frog Pond planning area on a schedule that will be consistent with the applicant's identified timing needs.d. The Metro Council interprets Metro Code 3.07.1120 to allow the applicant to undertake concept planning for a subarea of the Frog Pond planning area containing the existing district-owned property and sufficient other adjacent land to create a 40-acre school and park site.e. The Frog Pond school site can be provided sewer service upon annexation, according to the report of the city's community development director at Record, appendix C-S. <p>2. Direct Metro staff to bring an ordinance before the Metro Council, after appropriate public notice but no later than November 21, 2013, modifying the conditions attached to Metro's approval of the Frog Pond UGB expansion in Ordinance No. 02-969B in order to allow the adoption of planning and zoning for the school district site, as well as its annexation and development, prior to completion of planning for the entire Frog Pond area.</p> <p>3. Direct the hearings officer to hold an evidentiary hearing on remand to analyze the applicant's ability to accommodate its identified needs on the Frog Pond property, in light of the findings adopted by the Metro Council. Specifically the hearings officer should consider the applicant's ability to acquire sufficient property to meet its identified need for a particular size and configuration of parcels, and the applicant's ability to acquire property and complete necessary planning efforts on a schedule that will be consistent with the applicant's identified timing needs. The hearings officer will then prepare a revised recommendation to the Metro Council regarding the alternative site analysis for the Frog Pond area.</p>
Second:	Councilor Chase seconded the motion.

Councilor Stacey stated that the record clearly articulates a real need for a middle school facility in the school district, and that it is desirable that the middle school facility be provided on a campus that includes a primary school and associated park facilities. He congratulated the district for its thorough analysis of areas in and outside the current UGB. However, per state law, in order for Metro to expand the UGB the Council must determine that the need cannot be accommodated on land inside the UGB. He believed that the Frog Pond site could be increased in size through successful negotiations and acquisition strategies, and had the potential to accommodate the three desired uses. Councilor Stacey requested that the hearings officer conduct an additional hearing to build a record that would establish whether or not negotiations could occur or other strategies pursued to allow for planning, annexation, permitting, etc. within the district's 2017 deadline.

The remainder of the Council did not support the motion. Councilors referenced the hearings officer's report which states that Metro staff believes that the allowing the new urban area planning to be completed solely for the middle school facility in the Frog Pond area is inconsistent with Metro code requirements and not good planning practice. While some councilors expressed discomfort with the school district's application, they believed that the district did demonstrate and clearly justified a need for the middle school facility, and recognized the challenges presented by the Frog Pond site. However, Councilors were interested in holding a future discussion about how this scenario may be prevented moving forward, and how Metro can be involved and provide guidance earlier in the process. Additionally, Metro's legal counsel believed a Council approval of the hearings officer's report was a valid and defensible position, and did not anticipate a formal appeal to be filed with the state's Land Use Board of Appeals.

Given his colleagues' comments, Councilor Stacey withdrew his motion.

Action:	Councilor Stacey and Councilor Chase withdrew the motion.
---------	---

Motion:	Councilor Stacey moved to approve Ordinance No. 13-1316.
Second:	Councilor Harrington seconded the motion.

Councilors believed the applicant made a compelling argument, which the hearings officer supported, to expand the UGB. That said, councilors expressed discomfort with the application, and were disappointed that the city had yet to comprehensively plan the Frog Pond area since its inclusion into the UGB in 2002. Councilors reiterated their request for a future discussion about preventing this scenario in the future, and the importance of not taking the topic of UGB expansion lightly.

Lastly, councilors remind the region's school districts that the Metro Council is scheduled to consider and approve the next Urban Growth Report in 2014. For more information on the 2014 decision and subsequent UGB discussions, visits www.oregonmetro.gov.

Vote:	Council President Hughes, and Councilors Craddick, Harrington, Chase, Dirksen, and Stacey voted in support of the motion. The vote was 6 ayes, the motion <u>passed</u> .
-------	---

5. ORDINANCES – SECOND READING

- 5.1 **Ordinance No. 13-1318**, For the Purpose of Amending the FY 2013-14 Budget and Appropriations Schedule to Add 0.75 FTE to Each of the Parks Levy Fund and the Zoo Bond Fund.

Motion:	Councilor Harrington moved to approve Ordinance No. 13-1318.
Second:	Councilor Craig Dirksen seconded the motion.

Mr. Tim Collier provided a brief staff report for Ordinance No. 13-1318 which if adopted would add two fulltime positions fall 2013. The first new position, a Senior Public Affairs Specialist, would lead public involvement and oversee stakeholder engagement for parks and natural areas levy-funded projects. The position is proposed to be funded through June 30, 2018. The position request, estimated at \$71,000, would be funded in FY 13-14 by under spent Levy funds budgeted for contracted professional services. Funding for future fiscal years would be addressed during the regular FY 14-15 budget process.

The second new position, a Construction Assistant Project Manager, is proposed to support the Zoo Bond project team with construction documentation, research, contracts and communication. The fulltime limited duration position would be funded through June 30, 2019. The position would be funded in FY 13-14, approximately \$55,900, through budgeted Zoo Bond contingency funds. Similar to the first position, funding for years beyond the current fiscal year would be addressed during the regular FY14-15 budget process.

Council President Hughes gaveled and opened a public hearing on Ordinance No. 13-1318. Seeing no members of the public who wished to testify, the public hearing was closed.

Vote:	Council President Hughes, and Councilors Craddick, Harrington, Chase, Dirksen, and Stacey voted in support of the motion. The vote was 6 ayes, the motion <u>passed</u> .
-------	---

6. CHIEF OPERATING OFFICER COMMUNICATION

Ms. Martha Bennett provided an update on:

- Ms. Bennett highlighted recent or upcoming improvements at various Metro parks and natural area properties including a new parking lot at Cooper Mountain, new play structures at Oxbow Park, and a new entrance and maintenance building at Blue Lake Park.
- The Oct. 15 and Oct. 22 council work sessions and Oct. 17 council meeting have been canceled.

7. COUNCILOR COMMUNICATION

Councilors provided updates on the following meetings or events: Metro Policy Advisory Committee (MPAC), Joint Policy Advisory Committee on Transportation (JPACT), Tigard City Council, The Intertwine Alliance annual summit, Transit Oriented Development Radiator

groundbreaking, and Council Creek regional trail master plan kick off event. Highlighted upcoming meetings included the Oct. 23 Metro quarterly trails forum.

8. ADJOURN

There being no further business, Council President Hughes adjourned the regular meeting at 4:45 p.m. The Metro Council will convene the next regular council meeting on Thursday, Oct. 24 at 2 p.m. at Metro's Council Chamber.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "K. Newell", is written over a light gray circular stamp.

Kelsey Newell, Regional Engagement & Legislative Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF OCT. 10, 2013

Item	Topic	Doc. Date	Document Description	Doc. Number
3.1	Minutes	10/3/13	Council minutes for Oct. 3, 2013	101013-01
4.1	PowerPoint	10/10/13	West Linn – Wilsonville School District, Advance Road Property Major UGB Amendment	101013c-02
4.1	Handout	N/A	Proposed amendment by Council Stacey for Ordinance No. 13-1316	101013c-03
4.1	Letter	10/1/13	To: Metro Council From: Wilsonville Area Chamber of Commerce RE: Support for Ordinance No. 13-1316.	101013c-04
4.1	Letter/Written Testimony	10/10/13	Written comments on Ordinance No. 13-1316 submitted by W. Ciz	101013c-05