

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING)	RESOLUTION NO. 91-1425
EXECUTION OF AN INTERGOVERNMENTAL)	
AGREEMENT ON THE WESTERN BYPASS)	Introduced by
STUDY)	David Knowles, Chair
)	Joint Policy Advisory
)	Committee on Transportation

WHEREAS, The Metropolitan Service District (Metro) adopted the Southwest Corridor Study Conclusions and Recommendations by Resolution NO. 87-763; and

WHEREAS, In accordance with that resolution, Metro and Washington County executed an Intergovernmental Agreement to ensure consistency between the corridor study and local comprehensive plans and statewide land use goals; and

WHEREAS, The Oregon Department of Transportation (ODOT) is conducting a "Western Bypass Study" in response to the recommendations of the Southwest Corridor Study; and

WHEREAS, Being a participating jurisdiction in ODOT's study, Metro will be asked to approve the conclusions and amend the Regional Transportation Plan for any recommendations; and

WHEREAS, The Western Bypass Study will evaluate a full range of possible alternatives for the corridor area; and

WHEREAS, A process for approval of the analysis and recommendations by Metro and the affected local governments has been developed to ensure full involvement throughout the process; and

WHEREAS, It is understood that this process does not require approval of the study recommendations and that rejection of any recommended "Preferred Alternative" facility will result in a No-Build conclusion; and


WHEREAS, It is understood that the ODOT Western Bypass Study will be coordinated with other efforts to develop alternatives for the study area; and

WHEREAS, The alternatives considered in the ODOT Western Bypass Study will address the state goal to reduce principal reliance on a single mode of transportation; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District authorizes entering into an Intergovernmental Agreement defining the decision-making process for the Western Bypass Study (as substantially defined in Exhibit A).

ADOPTED by the Council of the Metropolitan Service District this 9th day of May, 1991.



Tanya Collier, Presiding Officer

WESTERN BYPASS STUDY
PLANNING COORDINATION AGREEMENT

THIS AGREEMENT is entered into this _____ day of _____, 199__, by the Metropolitan Service District (Metro), Oregon Department of Transportation (ODOT), Washington County, a political subdivision of the State of Oregon, and the Cities of Beaverton, Hillsboro, Tigard, Tualatin, Sherwood, Durham, King City, and Wilsonville, incorporated municipalities of the State of Oregon (hereafter "the Parties").

WHEREAS, ORS chapter 190 authorizes units of local government and state agencies to enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers or agents, have authority to perform; and

WHEREAS, Statewide Planning Goal 11 (Facilities Planning) and Goal 12 (Transportation Planning), ORS 197.190, 268.380(4), 268.385, and OAR 660-11-015(2) require city and county public facility plans and actions related to transportation facilities to be coordinated with each other and other providers of public facilities; and

WHEREAS, ODOT is evaluating Western Bypass Study issues in an Environmental Impact Statement (EIS); and

WHEREAS, ODOT's EIS study will accomplish significant data collection and analysis including organizing citizen advisory committees and agency coordination meetings, data collection, analysis of the physical characteristics of the study area, and traffic and transportation analysis; and

WHEREAS, the ODOT EIS work program anticipates completion of alternative strategies development, evaluation and screening in 1991 that will recommend alternative strategies for further study, thereby eliminating some modes and strategies from further detailed consideration based on the projected transportation need; and

WHEREAS, the ODOT EIS work program provides for refinement of selected alternative strategies and a transportation and environmental analysis prior to selection of the Preferred Alternative in 1992; and

WHEREAS, State, regional, and local governments seek to coordinate facility planning for any major regional transportation project resulting from these studies by establishing a process for review and possible incorporation of selected alternatives from the ODOT study into Metro's functional

transportation plan and the comprehensive plans of other affected local governments;

NOW, THEREFORE, METRO, ODOT, WASHINGTON COUNTY, AND THE CITIES OF BEAVERTON, HILLSBORO, TIGARD, TUALATIN, SHERWOOD, DURHAM, KING CITY, AND WILSONVILLE AGREE AS FOLLOWS:

I. Public Notice

To encourage citizen participation in the Western Bypass Study ("the Study"), Metro, each City, and the County agree:

- A. To provide public notice, in the manner required by their respective comprehensive plans, land use regulations, and other ordinances, as necessary to carry out the terms of this Agreement; and
- B. Within 30 days following its execution of this Agreement, to:
 1. Adopt a Resolution in the form attached hereto as Exhibit "A;" and
 2. Publish the Notice of Public Hearings contained in Exhibit "A."

II. Purpose and Need Statement

- A. Following review by the Western Bypass Study Committees, ODOT's staff will recommend a Purpose and Need Statement ("the Statement"). The Statement shall specify the underlying purpose of and need for the Western Bypass Study, based upon an analysis of existing conditions, demand forecasts, and projected transportation system deficiencies for the planning period as determined using acknowledged comprehensive plan map designations and zoning.
- B. The County and each City hereby agree to consider endorsement of the Purpose and Need Statement as the foundation for the Study. This endorsement shall be considered at a public hearing. The public hearing shall be held as soon as possible following receipt of the Statement by each local government, either as part of the next regularly scheduled meeting for which adequate public notice can be provided, or at a special meeting of the local government.
- C. Within 60 days following receipt of the Purpose and Need Statement, the County and each City shall submit to ODOT's Special Projects Manager ("Manager") a Resolution responding to the Statement. The Resolution

shall be in the form attached hereto as Exhibit "B" and shall either (a) endorse the Purpose and Need Statement; (b) propose certain changes to the jurisdiction's acknowledged comprehensive plan and zoning; or (c) reject or recommend revisions to the Statement. A party's failure to submit the Resolution within 60 days following receipt of the Statement shall be deemed a rejection of the Statement.

- D. Should the County or a City choose to amend its comprehensive plan or zoning, it shall:
1. Within 60 days following receipt of the Statement, adopt and submit to ODOT's Manager a Resolution (a) stating its intent to work immediately and expeditiously on the proposed plan and zoning amendments, and (b) containing a Work Plan ("the Work Plan") for completing the plan and zoning amendment process;
 2. Include in the Work Plan (a) a map identifying the specific properties which may be affected by proposed plan and zoning amendments, and (b) a description of the proposed amendments with sufficient specificity to allow ODOT's staff and Metro to identify the proposed land uses and estimated densities for the identified properties; and
 3. Within 100 days following adoption of the Resolution, complete the drafting of the proposed comprehensive plan and zoning amendments and establish a timetable for final adoption consistent with this Intergovernmental Agreement.
- E. Following receipt of the responses to the Purpose and Need Statement from the County and each City, ODOT's staff shall consider the responses, provide for review by the Western Bypass Study Committees as it deems appropriate, revise the Statement if necessary, and then submit the Statement to Metro for possible adoption. The Joint Policy Advisory Committee on Transportation (JPACT) and Metro shall consider any appropriate amendments to Metro's Regional Transportation Plan ("the RTP"), including incorporation of the Purpose and Need Statement.

III. Recommendation of Strategies

- A. ODOT's staff will study, develop, and refine strategies to meet the statewide and regional westside

circumferential travel needs identified in the Purpose and Need Statement. Reasonable system modes, including major highways, arterial, major transit (bus and light rail), and demand management measures, shall be considered. ODOT's staff will recommend elimination of some modes and strategies from further detailed consideration by the following steps:

1. Identification of strategies;
 2. Development of conceptual system-level alternatives;
 3. Evaluation of strategies; and
 4. Recommendation of reasonable strategies that meet the identified purpose and need.
- B. Based on the strategies recommended for further study and the strategies recommended for elimination by ODOT's staff, JPACT and Metro shall consider reasonable strategies for further study and shall consider recommending or requiring elimination of strategies considered unreasonable to meet the purposes and needs identified in the Statement. As part of this process, JPACT and Metro shall consider any appropriate amendments to the RTP, including both the incorporation of strategies recommended for further study and the elimination of strategies considered unreasonable to meet the purposes and needs identified in the Statement. The adoption of any RTP amendments eliminating strategies from further study shall be accompanied by findings demonstrating compliance with applicable statewide planning goals and regional goals and objectives, if necessary. For each strategy eliminated, Metro shall demonstrate the reasons why the eliminated strategy cannot meet the identified statewide and regional transportation system needs.
- C. Each City and the County hereby agree to provide staff assistance to Metro in the development of findings demonstrating compliance with applicable statewide planning goals to support an RTP amendment eliminating strategies considered unreasonable to meet the purposes and needs set forth in the Statement.
- D. Upon completion of the activities described in subsection B above, Metro shall transmit correspondence to each City and the County identifying the strategies approved for further study and those recommended to be eliminated from further study. The correspondence shall contain the findings supporting Metro's action.

- E. Within 90 days following receipt of Metro's correspondence, each City and the County shall consider adopting a Resolution in response to Metro's action. The Resolution shall be in the form attached hereto as Exhibit "C" and shall endorse or reject the strategies recommended by JPACT and Metro for further study. Upon adoption, the Resolution shall be submitted to ODOT's Manager. Failure to submit the Resolution shall be considered a rejection of the strategies recommended for further study.

IV. Acknowledged Comprehensive Plan and Zoning Review.

Within 30 days following approval by JPACT and Metro of strategies recommended for further study, Metro, the County, and each City shall assist the Study by:

- A. Initiating staff review of their respective functional or comprehensive plans and land use regulations to determine applicable provisions which apply to the Study; and
- B. Transmitting to ODOT's Manager a copy of those plan and regulation provisions deemed applicable.

V. Recommendation of a Preferred Alternative; Goal Findings

- A. To meet the purposes and needs identified in the Statement, ODOT's staff agrees to refine recommended strategies, identify Draft Environmental Impact Statement (DEIS) alternatives, prepare technical reports, prepare the DEIS, and, following a public hearing, recommend a Preferred Alternative for consideration by each City, the County, JPACT and Metro. The Preferred Alternative may be a "no-build" alternative.
- B. Project goal findings shall be developed pursuant to the Memorandum of Understanding/Agreement for the Tualatin Hillsboro Corridor between Metro and Washington County, adopted on July 18, 1988. All parties agree to provide staff assistance in the development of findings demonstrating compliance of the recommended Preferred Alternative with applicable statewide planning goals.

VI. Adoption of a Preferred Alternative

- A. Within 30 days following the recommendation of the Preferred Alternative and the development of findings demonstrating compliance with applicable statewide

- goals, Metro, the County, and each City shall identify any functional or comprehensive plan and land use regulation amendments that would be necessary to adopt the Preferred Alternative.
- B. All parties hereby agree to consider and take action on the recommended Preferred Alternative as follows:
1. JPACT and Metro shall consider adopting any appropriate amendments to the RTP at the time Metro considers adoption of a recommended Preferred Alternative for the Western Bypass Study Area.
 2. ODOT will take such actions as may be required on the recommended Preferred Alternative in the manner provided in its state agency coordination program certified by the Land Conservation and Development Commission.
 3. The County and each City shall consider either (a) a Resolution adopting the recommended Preferred Alternative, if the recommendation is consistent with the jurisdiction's acknowledged comprehensive plan and land use regulations; or (b) a Resolution of Intent to approve the recommended Preferred Alternative, subject to adoption of comprehensive plan or land use regulation amendments needed to accommodate the recommended Preferred Alternative.
- C. If adopted by any party, the recommended Preferred Alternative shall be supported by findings demonstrating:
1. Consistency with applicable statewide planning goals; and
 2. For each jurisdiction, compliance with applicable provisions of its functional or comprehensive plan and land use regulations. Each jurisdiction adopting the recommended Preferred Alternative shall be responsible for preparing the findings required to demonstrate consistency of the recommended Preferred Alternative with its functional plan or acknowledged comprehensive plan and land use regulations.
 3. If the County or a City adopts a Resolution of Intent to approve the recommended Preferred Alternative, subject to adoption of amendments to its comprehensive plan or land use regulations,

the jurisdiction adopting the Resolution of Intent shall be responsible for preparing:

- (a) Findings to demonstrate consistency of those amendments with the statewide planning goals; and
 - (b) Findings to demonstrate consistency of the recommended Preferred Alternative with its comprehensive plan and land use regulations as amended.
- D. If the County or any City adopts the recommended Preferred Alternative or a Resolution of Intent to adopt the recommended Preferred Alternative, it shall immediately authorize its staff to notify the Director of the Land Conservation and Development Commission of any proposed comprehensive plan or land use regulation amendments, and schedule the final hearing to consider adoption of the proposed amendments.

VII. Coordination of Planning and Implementation Actions

- A. Metro, the County and each City shall provide all parties with the appropriate opportunity to participate, review and comment on proposed amendments to the RTP, comprehensive plans or land use regulations relating to the Western Bypass Study. The following procedures shall be used by these parties to notify and involve all parties in this process:
- 1. The party with jurisdiction over a proposed amendment, hereinafter the originating party, shall notify the other parties, hereinafter responding parties, of the proposed action at the time such planning efforts are initiated, but in no case less than forty-five (45) days prior to the final hearing on adoption. The specific method and level of involvement may be finalized by "Memorandums of Understanding" negotiated and signed by the planning directors or other appropriate staff of the respective parties. "Memorandums of Understanding" shall clearly outline the process by which the responding party shall participate in the adoption process.
 - 2. The originating party shall transmit draft recommendations on any proposed actions to the responding parties for review and comment before finalizing. Unless otherwise agreed to in a "Memorandum of Understanding," responding parties shall have ten (10) days after receipt of a draft

to submit comments orally or in writing. Lack of response shall be considered "no objection" to the draft.

3. The originating party shall respond to the comments made by the responding party either by (a) revising the final recommendations, or (b) by letter to the responding party explaining why the comments cannot be addressed in the final draft.
4. Comments from the responding parties shall be given consideration as a part of the public record on the proposed action. If after such consideration, the originating party acts contrary to the position of a responding party, the responding party may seek appeal of the action through the appropriate appeals body and procedures.
5. Upon final adoption of the proposed action by the originating party, it shall transmit the adopting ordinance to the responding party as soon as publicly available, or if not adopted by ordinance, whatever other written documentation is available to properly inform the responding party of the final actions taken.

VIII. Design or Alignment Decision; Local Implementation

- A. The parties anticipate that a range of policy options will remain following the selection of a Preferred Alternative, including a Design EIS for part or all of the Preferred Alternative, any needed right-of-way acquisition, possible development of detailed mitigation strategies, or further study of specific impacts of any proposed facilities. A subsequent Intergovernmental Agreement or amendments to this Agreement may be required after adoption of the Preferred Alternative.
- B. The Parties acknowledge that implementation of comprehensive plan provisions for any Western Bypass Study project will require detailed project design and mitigation specifications. These details are beyond the scope of the current Western Bypass Study.

IX. Joint Defense of Appeals

- A. All parties hereby agree that an appeal to LUBA or the courts of any party's action required by this Agreement shall cause the remaining parties to intervene as named parties to the appeal with coordinated participation

and representation in defense of the action. Nothing in this section shall financially obligate any agency or jurisdiction.

- B. An appeal based on additional plan or land use regulation amendments and findings in VI, above, or an implementation action under VII, above, shall be the responsibility of the affected jurisdiction with the cooperation of all remaining parties, as appropriate.

X. Amendments to this Western Bypass Study Planning Coordination Agreement

The following procedures shall be followed by all parties to amend the language of this Agreement:

- A. The party originating the proposal shall submit a formal request for amendment to the other parties, hereinafter "responding parties."
- B. The formal request shall contain the following:
 - 1. A statement describing the amendment.
 - 2. A statement of findings indicating why the proposed amendment is necessary.
 - 3. If the request is to amend a recommendation of the Preferred Alternative, a map which clearly indicates the location of the proposed change and surrounding area.
- C. Upon receipt of a request for amendment from the originating party, responding parties shall schedule a review of the request before the appropriate governing bodies within forty-five (45) days of the date the request is received.
- D. All parties shall make good faith efforts to resolve requests to amend this Agreement. Upon completion of the review, the reviewing body may approve the request, deny the request, or make a determination that the proposed amendment warrants additional review. If it is determined that additional review is necessary, the following procedures shall be followed:
 - 1. All parties shall agree to initiate a joint study. Such a study shall commence within thirty (30) days of the date it is determined that a proposed amendment creates a disagreement, and shall be completed within

ninety (90) days of said date. Methodologies and procedures regulating the conduct of the joint study shall be mutually agreed upon by all parties prior to commencing the study.

2. Upon completion of the joint study, the study and the recommendations drawn from it shall be included within the record of the review. The party considering the proposed amendment shall give careful consideration to the study prior to making a final decision.

XI. Additional Parties.

If, in the course of this Study, it is determined that need exists for other agencies, jurisdictions or special districts, not parties to this Agreement, to amend their comprehensive plans, land use regulations, or plans or programs affecting land use, the parties agree to amend this Agreement as necessary or appropriate to add such agencies, jurisdictions or special districts.

METROPOLITAN SERVICE DISTRICT

OREGON DEPARTMENT OF
TRANSPORTATION

WASHINGTON COUNTY

CITY OF BEAVERTON

CITY OF DURHAM

CITY OF HILLSBORO

CITY OF KING CITY

CITY OF SHERWOOD

CITY OF TIGARD

CITY OF TUALATIN

CITY OF WILSONVILLE

EXHIBIT "B": ALTERNATIVE 3

IN THE MATTER OF ENDORSEMENT)
OF THE WESTERN BYPASS STUDY) RESOLUTION NO. _____
PURPOSE AND NEED STATEMENT)

WHEREAS, the Oregon Department of Transportation (ODOT) is conducting a Western Bypass Study to identify and resolve issues related to accommodating major existing and future (year 2010) state, regional, and intra-county travel needs within the project study area; and

WHEREAS, this jurisdiction is in the Western Bypass study area; and

WHEREAS, ODOT is conducting the Western Bypass Study in an open, objective and expeditious manner, allowing input from all sectors of the community; and

WHEREAS, [city, county] has executed a Western Bypass Study Planning Coordination Agreement ("the Agreement") with ODOT, the Metropolitan Service District ("Metro"), and other affected local governments within the project study area; and

WHEREAS, ODOT's staff has prepared a Purpose and Need Statement specifying the underlying purpose and need for the Western Bypass Study, based upon an analysis of existing conditions, demand forecasts, and projected transportation deficiencies for the planning period using acknowledged comprehensive plan map designations and zoning; and

WHEREAS, the Agreement requires the [city, county] to consider endorsement of the Purpose and Need Statement as the foundation of the continued study, following public notice and a public hearing consistent with local public notice and hearing requirements; and

WHEREAS, following public notice, the [city, county] held a public hearing on _____, 199__, to take testimony on and consider endorsement of the Purpose and Need Statement; and

WHEREAS, the [city, county] has considered the testimony and the evidence on this matter.

NOW, THEREFORE, IT IS RESOLVED THAT:

The [city, county] hereby rejects the Purpose and Need Statement recommended by the staff of the Oregon Department of Transportation as the foundation of the Western Bypass Study. The [city, county] rejects the Statement because [explain why].

EXHIBIT "A"

IN THE MATTER OF PUBLIC)
INVOLVEMENT IN WESTERN BYPASS) RESOLUTION NO. _____
STUDY ISSUES)

WHEREAS, the Oregon Department of Transportation (ODOT) is conducting a Western Bypass Study to identify and resolve issues related to accommodating major existing and future (year 2010) state, regional, and intra-county travel needs within the project study area; and

WHEREAS, this jurisdiction is in the Western Bypass Study area.

NOW, THEREFORE, IT IS RESOLVED THAT:

1. This [city, county] hereby includes the regular schedule of meetings of the Western Bypass Study Citizen Advisory Committee and Technical Advisory Committee as part of its citizen involvement process and encourages its citizens to participate in that public process.

2. The [city, county] anticipates that the results of the Oregon Department of Transportation (ODOT) study, including public involvement of its citizens, will be utilized to develop its planning alternatives for circumferential travel in coordination with state, regional, and other local governments.

3. The following "Public Notice" of [city, county] participation in the Western Bypass Study process shall be published once in a newspaper of general circulation consistent with the citizen involvement program:

PUBLIC NOTICE

"Notice is hereby given that, with respect to Western Bypass Study issues, in addition to the public involvement provisions set forth in [name of local government]'s comprehensive plan and regulations, the regularly scheduled meetings of the Western Bypass Study Citizen Advisory Committee and Technical Advisory Committee shall be part of the [city, county]'s citizen involvement process.

"This is consistent with adoption of the Western Bypass Study Coordination Agreement by [name of local government]. Under this intergovernmental agreement [name of government] will consider during the two-year study process: (1) the Purpose and Need Statement, (2) recommended strategies, (3) selection of a Preferred Alternative Strategy, (4)

consistency of the Preferred Alternative with [name of local government]'s comprehensive plan, and (5) design or alignment decisions. To obtain information on meeting dates, contact the Oregon Department of Transportation's Project Manager at 653-3298."

EXHIBIT "B": ALTERNATIVE 1

IN THE MATTER OF ENDORSEMENT)
OF THE WESTERN BYPASS STUDY) RESOLUTION NO. _____
PURPOSE AND NEED STATEMENT)

WHEREAS, the Oregon Department of Transportation (ODOT) is conducting a Western Bypass Study to identify and resolve issues related to accommodating major existing and future (year 2010) state, regional, and intra-county travel needs within the project study area; and

WHEREAS, this jurisdiction is in the Western Bypass study area; and

WHEREAS, ODOT is conducting the Western Bypass Study in an open, objective and expeditious manner, allowing input from all sectors of the community; and

WHEREAS, [city, county] has executed a Western Bypass Study Planning Coordination Agreement ("the Agreement") with ODOT, the Metropolitan Service District ("Metro"), and other affected local governments within the project study area; and

WHEREAS, ODOT's staff has prepared a Purpose and Need Statement specifying the underlying purpose and need for the Western Bypass Study, based upon an analysis of existing conditions, demand forecasts, and projected transportation deficiencies for the planning period using acknowledged comprehensive plan map designations and zoning; and

WHEREAS, the Agreement requires the [city, county] to consider endorsement of the Purpose and Need Statement as the foundation of the continued study, following public notice and a public hearing consistent with local public notice and hearing requirements; and

WHEREAS, following public notice, the [city, county] held a public hearing on _____, 199__, to take testimony on and consider endorsement of the Purpose and Need Statement; and

WHEREAS, the [city, county] has considered the testimony and the evidence on this matter.

NOW, THEREFORE, IT IS RESOLVED THAT:

The [city, county] hereby endorses the Purpose and Need Statement recommended by the staff of the Oregon Department of Transportation as the foundation of the Western Bypass Study. With this endorsement, the [city, county] approves of, accepts,

and endorses the methodology and assumptions upon which the Statement is based, including the [city, county]'s acknowledged comprehensive plan map and zoning designations.

EXHIBIT "B": ALTERNATIVE 2

IN THE MATTER OF ENDORSEMENT)
OF THE WESTERN BYPASS STUDY) RESOLUTION NO. _____
PURPOSE AND NEED STATEMENT)

WHEREAS, the Oregon Department of Transportation (ODOT) is conducting a Western Bypass Study to identify and resolve issues related to accommodating major existing and future (year 2010) state, regional, and intra-county travel needs within the project study area; and

WHEREAS, this jurisdiction is in the Western Bypass study area; and

WHEREAS, ODOT is conducting the Western Bypass Study in an open, objective and expeditious manner, allowing input from all sectors of the community; and

WHEREAS, [city, county] has executed a Western Bypass Study Planning Coordination Agreement ("the Agreement") with ODOT, the Metropolitan Service District ("Metro"), and other affected local governments within the project study area; and

WHEREAS, ODOT's staff has prepared a Purpose and Need Statement specifying the underlying purpose and need for the Western Bypass Study, based upon an analysis of existing conditions, demand forecasts, and projected transportation deficiencies for the planning period using acknowledged comprehensive plan map designations and zoning; and

WHEREAS, the Agreement requires the [city, county] to consider endorsement of the Purpose and Need Statement as the foundation of the continued study, following public notice and a public hearing consistent with local public notice and hearing requirements; and

WHEREAS, following public notice, the [city, county] held a public hearing on _____, 199__, to take testimony on and consider endorsement of the Purpose and Need Statement; and

WHEREAS, the [city, county] has considered the testimony and the evidence on this matter.

NOW, THEREFORE, IT IS RESOLVED THAT:

A. Based upon its review of the Purpose and Need Statement, the [city, county] desires to amend its [comprehensive plan, zoning] for certain properties within its boundaries. A map identifying the specific properties which may be affected by proposed

comprehensive plan and zoning amendments is included in the attached Work Plan.

B. Work on proposed plan and zoning amendments will begin promptly and will be handled expeditiously in accordance with the time table contained in the attached Work Plan.

C. The [city, county] requests that ODOT's staff amend the Purpose and Need Statement, as necessary, to reflect the proposed amendments to the [city, county]'s plan. With these changes, the [city, county] accepts and endorses the methodology and assumptions upon which the Statement is based.

D. The [city, county]'s work program shall be as follows:

1. Affected properties: The properties which may be affected by the proposed plan and zoning amendments are identified on the map attached as Exhibit "A".
2. Nature of amendments: [Example]: The [city, county], through proposed plan and zoning text and map amendments, intends to increase the maximum permitted density of development on residentially zoned land within 100 feet of major transit corridors by an overall average density of 4 dwelling units per acre. For some properties [identify on map], this change may be accomplished through redesignation from ___ to ___. For other properties [identify on map], the current plan designation will remain, but the maximum number of units permitted in the zone under the zoning ordinance will be increased. [Provide greater detail on the proposed changes.]
3. Timetable for drafting proposed amendments: Within 100 days following the date of this Resolution, the [city, county] will complete the drafting of the proposed comprehensive plan and zoning amendments and establish a timetable for final adoption of those amendments.

In order for the [city, county] to support the Purpose and Need Statement, the following revisions are necessary: [identify and explain]

EXHIBIT "C"

IN THE MATTER OF ENDORSEMENT)
OF FURTHER STUDY OF STRATEGIES) RESOLUTION NO. _____
RECOMMENDED BY JPACT AND METRO)

WHEREAS, the Oregon Department of Transportation (ODOT) is conducting a Western Bypass Study to identify and resolve issues related to accommodating major existing and future state, regional, and intra-county travel needs within the project study area; and

WHEREAS, a Purpose and Need Statement has been prepared identifying the underlying purpose of and need for the Western Bypass Study; and

WHEREAS, ODOT's staff has studied, developed, and refined strategies to meet the regional westside circumferential travel needs identified in the Purpose and Need Statement; and

WHEREAS, ODOT's staff has recommended certain reasonable strategies for further study; and

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metropolitan Service District (Metro) have considered reasonable strategies for further study as recommended by ODOT's staff.

NOW, THEREFORE, IT IS RESOLVED as follows:

That the [city, county] hereby endorses for further study the reasonable strategies endorsed by JPACT and Metro for further study.

or

That the [city, county] hereby rejects the strategies endorsed by JPACT and Metro for further study because [explain].

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 91-1425 FOR THE PURPOSE
OF AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREE-
MENT ON THE WESTERN BYPASS STUDY

Date: April 1, 1991

Presented by: Andrew C. Cotugno

PROPOSED ACTION

Adopt Resolution No. 91-1425 authorizing execution of an intergovernmental agreement between Metro, ODOT, Washington County and the cities of Washington County defining the decision-making process and the requirements for meeting state and local land use requirements for the Western Bypass Study.

FACTUAL BACKGROUND AND ANALYSIS

The Metro Council approved the recommendations of the Southwest Corridor Study by Resolution No. 87-763 and incorporated the recommendations into the Regional Transportation Plan (RTP) by Ordinance 89-282.

Included as a contingent recommendation was construction of a Western Bypass from I-5 near Tualatin to U.S. 26 near Hillsboro as part of a package of highway, arterial, light rail and bus service improvements. The Western Bypass recommendation was made contingent on satisfying state and local land use requirements. In accordance with Resolution No. 87-763, Metro executed an intergovernmental agreement with Washington County defining responsibilities for addressing these requirements.

At the request of Metro and Washington County, ODOT initiated the Western Bypass Study to proceed with these recommendations. Metro Councilor Richard Devlin sits on the study Policy Committee and Transportation staff person Keith Lawton sits on the Technical Committee. In addition, ODOT has contracted with Metro to provide technical support to the project.

In order to adequately address land use requirements, the ODOT Western Bypass Study is reexamining the "needs" in the study area, developing and evaluating a full range of alternatives and will base the recommendation on an exhaustive re-analysis of these issues, including land use implications.

This intergovernmental agreement establishes the decision-making and jurisdictional responsibilities as summarized in the chart shown on Attachment A. In brief, the key decision-making steps are as follows:

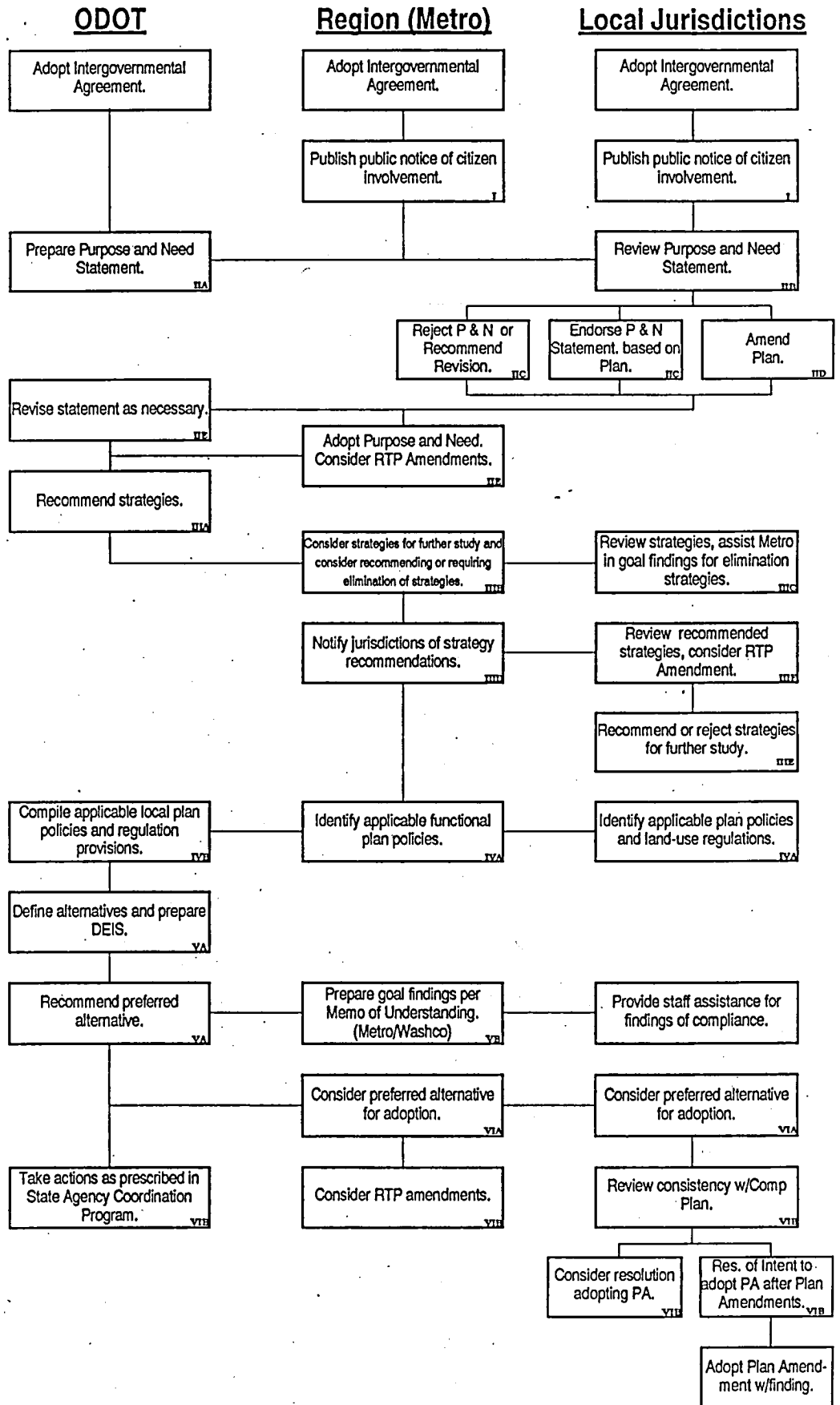
- . . . Approval of the alternatives to be evaluated in detail and those to be rejected from further consideration; and
- . Approval of the Preferred Alternative.

The process defined in this intergovernmental agreement will ensure that the jurisdictions responsible for the final conclusion are involved throughout the study process.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 91-1425.

Inter-Governmental Agreement Flow Chart



TRANSPORTATION AND PLANNING COMMITTEE REPORT

RESOLUTION NO. 91-1425, FOR THE PURPOSE OF AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT ON THE WESTERN BYPASS STUDY

Date: April 30, 1991

Presented by: Councilor McLain

COMMITTEE RECOMMENDATION: At the April 23, 1991 Transportation and Planning Committee meeting, all members were present and voted unanimously to recommend Council adopt the resolution.

COMMITTEE DISCUSSION/ISSUES: Resolution No. 91-1425 authorizes entering into an intergovernmental agreement (IGA) on the Western Bypass Study with the Oregon Department of Transportation (ODOT), Washington County and cities within Washington County affected by the study. The Council approved the Western Bypass in concept, via adoption of Ordinance No. 89-282, contingent on satisfying all state and local land use laws. The Western Bypass study will re-examine the needs for the bypass and analyze all land use implications.

Transportation Department Director Andy Cotugno stressed the proposed IGA will ensure all involved parties are in agreement as the project evolves; will ensure compliance with land use laws; and will require each jurisdiction to formally acknowledge agreement with the study process at three different points:

- (1) Endorsement of study statement of need;
- (2) Approval of alternatives to be evaluated in detail and those to be rejected from further consideration; and
- (3) Approval of the preferred alternative.

Mr. Cotugno felt number 2 above was the most important action because jurisdictions will determine which alternatives to pursue for potential implementation, and which will be dropped.

The IGA also calls for each jurisdiction to adopt a resolution recognizing a formal public involvement process, with the project's Citizen Advisory Committee (CAC) meetings being regularly published as part of each jurisdiction's public meetings notices.

Mr. Cotugno noted on page two of the resolution, the three "Whereas" statements address TPAC (Transportation Technical Policy Advisory Committee) citizen members' concerns. First, if a final "Preferred Alternative" is rejected, it will result in a "No-Build" conclusion. Second, the resolution ensures the Western Bypass Study will be coordinated with the 1000 Friends of Oregon study of possible comprehensive land use plan changes in the bypass corridor area. Third, the resolution reaffirms the need to meet State requirements to reduce reliance on a single transportation mode.

The Committee discussed the pros and cons of the study's format and its comprehensive process to address a wide range of public concerns. Mr. Cotugno clarified Metro will act to adopt ODOT's final study recommendations which are endorsed by local jurisdictions. However, Metro can send any of the recommendations back to ODOT if revisions are desired; Metro will not be constrained to simply accept the recommendations.