

 **Metro | Agenda**

Meeting: Metro Council
Date: Thursday, July 31, 2014
Time: 2:00 p.m.
Place: Metro, Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATION

3. CONSIDERATION OF COUNCIL MEETING MINUTES FOR JULY 24, 2014.

4. RESOLUTIONS

4.1 **Resolution No. 14-4538**, For the Purpose of Endorsing the Oregon Zoo's Education, Outreach and Research Efforts to Reduce Lead Exposure in Wildlife and Humans from Spent Lead Ammunition. **David Shepherdson, Metro**

4.2 **Resolution No. 14-4532**, For the Purpose of Adopting the 2015-2018 Metropolitan Transportation Improvement Program for the Portland Metropolitan Area. **Ted Leybold, Metro**

5. ORDINANCES -SECOND READ

5.1 **Ordinance No. 14-1336**, For the Purpose of Amending Maps in Titles 4 and 14 of the Urban Growth Management Functional Plan to Conform with Changes Enacted by the Oregon Legislature in House Bill 4078. **Tim O'Brien, Metro**

5.1.1 **Public Hearing on Ordinance No. 14-1336**

6. CHIEF OPERATING OFFICER COMMUNICATION **Martha Bennett, Metro**

7. COUNCILOR COMMUNICATION

ADJOURN

AN EXECUTIVE SESSION WILL BE HELD IMMEDIATELY FOLLOWING THE PUBLIC HEARING PURSUANT TO ORS 192.660(2)(e), TO CONDUCT DELIBERATIONS WITH PERSONS DESIGNATED BY GOVERNING BODY TO NEGOTIATE REAL PROPERTY TRANSACTIONS.

Television schedule for July 31, 2014 Metro Council meeting

<p>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, July 31</p>	<p>Portland Channel 30 – Portland Community Media <i>Web site:</i> www.pcmtnv.org <i>Ph:</i> 503-288-1515 <i>Date:</i> Sunday, August 3, 7:30 p.m. <i>Date:</i> Monday, August 4, 9 a.m.</p>
<p>Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 <i>Date:</i> Monday, August 4, 2 p.m.</p>	<p>Washington County and West Linn Channel 30– TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> Saturday, August 2, 11 p.m. <i>Date:</i> Sunday, August 3, 11 p.m. <i>Date:</i> Tuesday, August 5, 6 a.m. <i>Date:</i> Wednesday, August 6, 4 p.m.</p>
<p>Oregon City and 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.</p>	

PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times. Agenda items may not be considered in the exact order. For questions about the agenda, call the Metro Council Office at 503-797-1540. Public hearings are held on all ordinances second read. Documents for the record must be submitted to the Regional Engagement and Legislative Coordinator to be included in the meeting record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement and Legislative Coordinator. For additional information about testifying before the Metro Council please go to the Metro web site www.oregonmetro.gov and click on public comment opportunities.

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Agenda Item No. 3.0

**CONSIDERATION OF COUNCIL MEETING MINUTES FOR JULY
24, 2014.**

Minutes

Metro Council Meeting
Thursday, July 31, 2014
Metro, Council Chamber

Agenda Item No. 4.1

Resolution No. 14-4538, For the Purpose of Endorsing the Oregon Zoo's Education, Outreach and Research Efforts to Reduce Lead Exposure in Wildlife and Humans from Spent Lead Ammunition.

Resolutions

Metro Council Meeting
Thursday, July 31, 2014
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENDORSING) RESOLUTION NO. 14-4538
THE OREGON ZOO'S EDUCATION,)
OUTREACH AND RESEARCH) Introduced by Chief Operating Officer
EFFORTS TO REDUCE LEAD) Martha J. Bennett, with the concurrence
EXPOSURE IN WILDLIFE AND) of Council President Tom Hughes
HUMANS FROM SPENT LEAD)
AMMUNITION)

WHEREAS, lead has long been recognized as a human and wildlife health hazard; and

WHEREAS, mortality and morbidity from lead poisoning has been well documented for many birds and mammals including protected species such as bald eagles, golden eagles and California condors; and

WHEREAS, evidence implicating the ingestion of spent lead ammunition as the main source of lead poisoning in wild birds is extensive; and

WHEREAS, California condors will not be sustainable in the wild until exposure to lead from spent ammunition is reduced or eliminated; and

WHEREAS, hunters and the hunting tradition have long been and remain a significant positive force for the conservation of native wildlife and their habitats; and

WHEREAS, hunter support and cooperation in eliminating lead in the environment is likely the single most important contribution to achieving sustained wild condor populations in the Pacific Northwest; and

WHEREAS, education and outreach efforts are the key to successfully reducing the exposure of wildlife to lead from spent ammunition; and

WHEREAS, Metro is the Metropolitan Planning Organization responsible for providing a healthy environment and protecting the region's natural assets; and

WHEREAS, the Zoo and Sustainability Center operate a successful and effective fish and wildlife education program; and

WHEREAS, efforts to date by the Oregon Zoo to provide education and outreach to reduce the exposure of wildlife to lead include: a "Condor Summit" meeting in partnership with the Yurok Tribe in 2010; a workshop on wildlife and lead in partnership with The Wildlife Society in November 2013; interpretive graphics at the new "Condors of the Columbia" exhibit; and funding for research and outreach through Oregon Zoo Foundation (OZF) Future for Wildlife grants; now therefore

BE IT RESOLVED that the Metro Council endorses the Oregon Zoo's efforts to work with partners and stakeholders to conduct outreach, research and education with the goal of reducing the exposure of wildlife to lead from spent ammunition, and directs the Chief Operating Officer to support efforts by the Oregon Zoo to conduct education, outreach and research activities with the goal of advancing our scientific understanding of the issue, educating the community and bringing stakeholders together to reduce the exposure of wildlife and humans to lead from spent ammunition.

ADOPTED by the Metro Council this _____ day of July 2014.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4538 FOR THE PURPOSE OF ENDORSING THE OREGON ZOO'S EDUCATION, OUTREACH AND RESEARCH EFFORTS TO REDUCE LEAD EXPOSURE IN WILDLIFE AND HUMANS FROM SPENT LEAD AMMUNITION

Date: July 31, 2014

Prepared by: David Shepherdson Ph.D.
(503) 220-5765

BACKGROUND

Lead has long been recognized as a human and wildlife health hazard. In humans lead exposure has been linked to a number of serious health disorders such as high blood pressure, neurological disease, gastrointestinal problems and increased risk of death from heart attack and stroke. Exposure to lead has been documented for wild birds and mammals. Birds however are probably at more risk of lead poisoning because food is ground in the gizzard before passing through the digestive system. In birds lead exposure has been linked to inability to fly, anemia, blindness, seizures, and painful death. The Environmental Protection Agency (EPA) classifies lead as a persistent, bioaccumulative and toxic (PBT) chemical. Of particular significance to this resolution, spent lead shot and lead bullets are considered "solid waste" under the Resource Conservation and Recovery Act (RCRA).

Although sometimes present at low levels naturally in the environment, human activities have greatly increased exposure to lead by concentrating it in batteries, pigments, dyes, caulks, paints, metal alloys, fuel additives (it is still used in some aviation fuels), auto wheel balancing weights, fishing tackle and ammunition. In 2013, over 69,000 metric tons of lead was used in the production of ammunition in the United States alone.

Various legislative actions have been taken to reduce human exposure to lead. In 1990 the Clean Air Act was amended to require the elimination of lead in gasoline by 1996. In 1992 Congress enacted the Residential Lead Based paint Reduction Act to ban the manufacture of lead based paint. In 2008 the EPA strengthened the National Ambient Air Quality Standards (NAAQS) for lead limiting emissions to 0.15 micrograms per cubic meter over a 3 month period. In 2000, in response to concerns about health and safety at firing ranges and environmental impacts, the Army launched a "Green Bullet Program" that developed and distributed a "green bullet" for use on the field with a copper rather than lead core. Over thirty million of these ammunition rounds were sent to troops in Afghanistan. In 2006 the National Park Service initiated a policy mandating that only nontoxic ammunition be used for firearms practice, training and qualification. However, the threat to human health from lead ingested from animals killed with lead ammunition has not been addressed. Several studies have demonstrated elevated lead levels in individuals as a consequence of eating meat containing lead ammunition fragments. Subsistence communities that rely on hunting for a major proportion of their diet are believed to be at increased risk of lead poisoning.

Exposure of wildlife to lead can be direct, for example, when birds mistake lead shot for seeds or grit, or indirect when predators or scavengers ingest lead when consuming the flesh of animals that have been shot with lead or that ingested lead sinkers. When lead bullets enter animal flesh they expand or "mushroom," and then fragment, resulting in large numbers of small lead fragments that can travel several inches from the wound channel (fragments are therefore often found in the viscera or "gut pile"). As a consequence of fragmentation, multiple individuals may be exposed from one carcass (e.g. various predators and scavengers feeding on one carcass and its remains over time) and the large surface area of the small fragments facilitates uptake into the blood stream.

Evidence implicating lead ammunition as the main source of lead poisoning in wild birds is extensive and includes; physical evidence (e.g. x-rays and/or surgical removal) of lead particles inside the intestinal tracts of birds diagnosed with high blood lead levels, correlation of stable lead-isotopes between blood/feather and ammunition samples, and spatial and temporal associations between big game hunting and lead exposure in scavenging birds. Condor blood lead levels, for example, have been found to correlate with deer hunting season, and in Arizona and Utah peak blood lead levels are

associated with movement of condors into an area with high hunting pressure. Correlations such as these have also been found for a variety of other species including, turkey vultures and golden eagles, bald eagles and common ravens. Big game carcasses are not the only potential source of lead ammunition to scavenging birds. Other sources include non-game animal hunting, depredation shooting on private and public land, pest control and euthanasia of farm animals in the field. Spent ammunition in and around shooting ranges can also be ingested by wild animals, such as birds and rodents and thus enter the food chain.

The diet and wide-ranging nature of eagles and vultures make them particularly vulnerable to lead exposure. All are obligate scavengers, and are attracted to large carcasses (such as big game). Social birds such as California condors are further at risk, as many birds will feed on one carcass. Mortality and morbidity from lead poisoning has been well documented for bald eagles, golden eagles and California condors. Bald eagles and golden eagles are protected by three federal laws: The Bald and Golden Eagle Protection Act, and the Migratory Bird Treaty Act. California Condors are protected under the Endangered Species Act and all three are covered under the Lacey Act.

Population level effects due to lead exposure are difficult to assess. While there is concern (and ongoing research) about potential population effects on golden eagles there is no doubt that California condor recovery is in jeopardy due to lead exposure. During the first 17 years (1992-2009) of the reintroduction program, 23 birds died from lead poisoning, making it the single biggest source of mortality (35%). Twenty-two additional deaths occurred between 2010 and 2012, of the 18 birds for which course of death could be established, 15 died of lead poisoning. Adult mortalities have a great impact on the population of a long lived, slowly reproducing species like the California condor. Until mortality from lead poisoning is reduced, the population of wild condors will not be sustainable without supplementation from the captive breeding facilities (Oregon Zoo, San Diego Zoo, Los Angeles Zoo, World Center for Birds of Prey) combined with intensive management of birds in the wild (annual captures, blood lead level assays, chelation treatments for affected individuals, and intensive care for acutely poisoned birds). Due to their sensitivity to lead poisoning and intensive monitoring, Condors can be thought of as excellent sentinels for lead contamination of carcasses throughout their range.

Some diversity of opinion exists on the most effective way to tackle the issue of wildlife lead exposure from spent ammunition. Mostly these fall into approaches that can be characterized as regulatory or voluntary; these approaches are not mutually exclusive.

In 1991, in recognition that loss of waterfowl to lead poisoning was a serious problem, the United States Fish and Wildlife Service (USFWS) implemented a nationwide ban on the use of lead shot for waterfowl hunting. In approximately 38 states the lead shot ban has been expanded to include non-waterfowl shooting (mainly upland bird shooting). In 2008 a complete ban on the use of lead ammunition for hunting (game and non-game) in the condor range was implemented in California and is now required to be phased in statewide by 2019. Although some reductions in lead exposure were found in turkey vultures and golden eagles following the 2008 ban, condor exposure has not yet fallen. Potential reasons include lack of compliance, condor range expansion, and contamination from marine mammal carcasses.

Lack of compliance (and corresponding enforcement) is a major challenge for any regulatory approach and voluntary programs have demonstrated high rates of compliance. A program in Arizona developed by Arizona Game & Fish (and supported by hunter stakeholder groups) that combined education, ammunition exchanges, and incentives for gut pile removal reached compliance levels of >80% and was associated with reduced condor lead exposure. Similar programs are underway in California, notably by the Institute for Wildlife Studies (IWS) and by the Yurok Tribe's "Hunters as Stewards" program. Indeed, the Yurok Tribe has conducted outreach events in SE Oregon in association with Oregon Hunters Association (OHA). They also participated in a workshop at the Oregon Zoo on Wildlife and Lead hosted by the Zoo and The Wildlife Society (TWS) in November 2013.

Regardless of whether a regulatory approach is ultimately adopted, education and outreach efforts will be a key component of success. Such outreach is best done collaboratively with key stakeholders to address concerns, beliefs, needs and key issues. Information is also needed on stakeholder's knowledge and attitudes and Oregon Department of Wildlife (ODFW) recently initiated a survey of hunting license holders to gain some of this information. Since humans are now the top predator in most places and since many wild predator populations have been reduced or eliminated, hunters are key to the survival of most scavengers in the world. Thus the role of hunters in the conservation of these species has never been more important. Conservation is a key aspect of the North American model of hunting. Hunters are therefore a stakeholder of primary importance for the future of wildlife populations and wildlife health.

The Oregon Zoo has supported the California condor program by breeding birds for release since 2004. Since then 28 birds have been contributed to the release program and have been released in California and Arizona. Since 2004 the Zoo has also worked to investigate the feasibility of restoring condors to Oregon. This has included a partnership with the Yurok Tribe, based in Klamath, California. Recently the Yurok Tribe signed an MOU with USFWS, California Department of Parks and Recreation, National Park Service, and Ventana Wildlife Society in support of a test release of condors in N. California. The proximity of potential release sites to the Oregon border makes it likely that a release would result in birds flying into Oregon. As in other areas of the recovery program, providing condors with an environment free of lead exposure will be critical to success. The Oregon Zoo is also concerned about the threat of lead poisoning to golden eagle recovery and the suffering of individuals of other species. Efforts to date by the Oregon Zoo to reduce the exposure of wildlife to lead include; a “Condor Summit” meeting in partnership with the Yurok Tribe in 2010, a workshop on wildlife and lead in partnership with TWS in November 2013, interpretive graphics at the new “Condors of the Columbia” exhibit and funding for research and outreach through Oregon Zoo Foundation (OZF) Future for Wildlife grants.

1. Known Opposition

None

2. Legal Antecedents

NA

3. Anticipated Effects

Adopting resolution 14-4538 will strengthen the Oregon Zoo’s ability to conduct education, research and outreach on this issue, engaging partners and stakeholders and raising funding for the continuation and expansion of this important work.

Ultimately, it is intended that this resolution will help with the potential reintroduction of California condors to their former range (including Oregon), increase the chance of golden eagle recovery in the state and reduce the needless and painful deaths of scavenging birds and other animals throughout the state. It can also help to alleviate the potential negative human health effects of lead ingestion from hunted carcasses and generally help reduce lead levels in the environment.

4. Budget Impacts

This resolution will have no direct impact on the FY 14-15 budget.

Discussions are in progress with OZF and an external funder to create a position based at the zoo to conduct and coordinate education and outreach activities around this issue in partnership with major stakeholder groups. If and when funding is in place Metro Zoo staff will work with Metro HR to establish the position classification and compensation.

RECOMMENDED ACTION

Recommend approval of Resolution No. 14-4538 by Metro Council with direction to the Chief Operating Officer to support efforts by the Oregon Zoo to conduct education, outreach and research activities with the goal of advancing our scientific understanding of the issue, educating the community and bringing stakeholders together to reduce the exposure of wildlife and humans to lead from spent ammunition.

Agenda Item No. 4.2

Resolution No. 14-4532, For the Purpose of Adopting the
2015-2018 Metropolitan Transportation Improvement
Program for the Portland Metropolitan Area.

Resolutions

Metro Council Meeting
Thursday, July 31, 2014
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE 2015-) RESOLUTION NO. 14-4532
2018 METROPOLITAN TRANSPORTATION)
IMPROVEMENT PROGRAM FOR THE) Introduced by Councilor Craig Dirksen
PORTLAND METROPOLITAN AREA)

WHEREAS, the Portland metropolitan area Metropolitan Transportation Improvement Program (MTIP), which reports on the programming of all federal transportation funds to be spent in the region, must be periodically updated in compliance with federal regulations; and

WHEREAS, the Metro Council and Joint Policy Advisory Committee on Transportation (JPACT) have proposed programming for federal fiscal years 2016-2018 through the regional flexible funds allocation process for a portion of the federal allocation of transportation funds to this region; and

WHEREAS, the Oregon Department of Transportation has proposed programming for federal fiscal years 2015-2018 of federal transportation funds for projects in the Portland metropolitan area through funding allocation processes they administer; and

WHEREAS, the transit service providers TriMet and South Metropolitan Area Rapid Transit (SMART) have proposed programming of federal transit funds for federal fiscal years 2015-2018; and

WHEREAS, Washington County, the City of Hillsboro, and the Port of Portland have requested changes to the programming of funds awarded to projects in the 2016-18 regional flexible fund allocation process; and

WHEREAS, a review of requested amendments and a review of funding resources demonstrate the amendments can be made consistent with fiscal constraint and air quality conformity for the 2015-2018 MTIP; and

WHEREAS, these proposed programming of funds must be found in compliance with all relevant federal law and administrative rules, including a demonstration of compliance with the Oregon State implementation plan for air quality; and

WHEREAS, the draft 2015-2018 MTIP for the Portland, Oregon metropolitan area, attached as Exhibit A, demonstrates compliance with all relevant federal law and administrative rules; and

WHEREAS, the companion Metro Resolution No.14-4534, For the Purpose of Approving the Air Quality Conformity Determination for the 2015-18 Metropolitan Transportation Improvement Program, demonstrates compliance with the federal Clean Air Act and the Oregon State implementation plan for air quality; and

WHEREAS, the companion Metro Resolution No.14-4533, For the Purpose of Approving the Title VI and Environmental Justice Analysis for the 2015-18 Metropolitan Transportation Improvement Program, demonstrates compliance with the federal regulations Title VI of the Civil Rights Act of 1964 and Executive Order 12898 on Environmental Justice requirements, and

WHEREAS, the proposed 2015-2018 MTIP is consistent with the 2014 Regional Transportation Plan, adopted by Metro Ordinance No. 14-1340; and

WHEREAS, a public process has provided an opportunity to comment on the programming of federal funds to specific projects in specific fiscal years and whether the programming meets all relevant laws and regulations;

WHEREAS, extensive public processes were used to select projects to receive federal transportation funds; and

WHEREAS, on July 10, 2014 JPACT recommended approval of this resolution and the 2015- 2018 MTIP; now therefore

BE IT RESOLVED that the Metro Council adopt the 2015-2018 Metropolitan Transportation Improvement Program for the Portland metropolitan areas as shown in Exhibit A; and

BE IT RESOLVED that projects in the existing 2012-15 MTIP that do not complete obligation of funding prior to September 30, 2014 will be programmed into the 2015-18 MTIP.

ADOPTED by the Metro Council this ___ day of July 2014.

Tom Hughes, Council President

Approved as to Form:

Alison Kean, Metro Attorney

Resolution 14-4532

[Click here to download the full document](#)

**MAKING A
GREAT
PLACE**



2015 – 2018 Metropolitan Transportation Improvement Program

Adoption Draft

July, 2014

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4532 FOR THE PURPOSE OF APPROVING THE 2015-2018 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM FOR THE PORTLAND METROPOLITAN AREA

Date: July 10, 2014

Prepared by: Ted Leybold and Grace Cho

PURPOSE

The 2015-2018 Metropolitan Transportation Improvement Program (MTIP) is a report summarizing all programming of federal transportation funding in the Portland metropolitan region for the federal fiscal years 2015 through 2018. Acting on this resolution would:

- Approve the scheduling of previously allocated federal funding to projects by project phase and fiscal year;
- Define administrative authority to add or remove projects from the 2015-2018 MTIP (as defined in Chapter 6);
- Affirm the region meets federal planning and programming rules and permit submission of the 2015-2018 MTIP to the Governor of Oregon and incorporation into the State Transportation Improvement Program.

BACKGROUND

The 2015-2018 Metropolitan Transportation Improvement Program (MTIP) is the federally mandated four-year schedule of expenditures (i.e., spending) of federal transportation funds as well as significant state and local funds in the Portland metropolitan region. As a report, the MTIP provides the upcoming four-year implementation schedule of transportation projects in the Portland region. The report must also demonstrate the use of federal funds will comply with all relevant federal laws and administrative rules.

In the Portland metropolitan region, there are three processes which propose programming of federal transportation funds and are therefore reflected in the MTIP. These processes are:

- The Regional Flexible Fund Allocation (RFFA): A process led by the Joint Policy Advisory Committee on Transportation and the Metro Council to allocate the region's discretionary federal transportation funds;
- The allocation of "Fix-It" and "Enhance" funding administered by the Oregon Department of Transportation, which predominately focuses on capital improvements and maintenance on the national highway system; and
- TriMet's Capital Asset Management and Investment Program (CAMIP) and the City of Wilsonville Budget Process: the processes led by the individual transit operators in region. TriMet's CAMIP is a 5-year rolling capital improvement program that guides the short term implementation of the 20-year regional transportation plan. The South Metro Area Rapid Transit (SMART) is the transit agency for the City of Wilsonville and allocates transit funding in conjunction with the city budget process.

All the projects and programs selected to receive federal funding through the three processes are summarized in the tables listed in Chapter 5 of the 2015-2018 MTIP (Exhibit A) by lead agency. The tables illustrate the assignment of funds by fund type and the amount of funding by disbursement year for the federal fiscal years 2015 through 2018. There are a number of different federal transportation funds assigned to different projects. This includes Federal Highway Administration (FHWA) funds surface transportation program, congestion mitigation/air quality or transportation alternatives program and the FTA funds rail new starts, a program for jobs access for low income citizens, allocations for bus

purchases and allocations for maintenance of the bus and rail systems. Previous programming of these funds for the years 2014 and 2015 has been updated to reflect project completion as well as changes in construction schedules and project costs.

Additionally, programming changes to the adopted 2012-2015 MTIP that also need to be reflected in the 2015-18 MTIP, will be tracked by staff during this adoption and approval process. These changes will become effective in the 2015-18 MTIP immediately following federal approval of the 2015-18 STIP by the US Department of Transportation.

Public Involvement for the Draft 2015-2018 MTIP

The Federal Highway Administration and Federal Transit Administration require Metro and other regional agencies nationwide to make the schedule of MTIP projects available for a 30-day public comment prior to final adoption.

On Friday, March 22, 2014, Metro opened a joint public comment period for the 2014 Regional Transportation Plan (RTP), the Climate Smart Communities project, and the 2015-2018 MTIP. Because of the land use action associated with the 2014 RTP, the joint public comment period was 45 days in length to fulfill both the federal and state planning requirements. The strategic joint and extended public comment allowed the 2015-2018 MTIP to receive substantially more comments received for previous MTIPs. The public comment closed on Monday, May 5th.

A total of 62 public comments were received on the 2015-2018 MTIP. In review of the public comments, the following main themes emerged from comments:

- Transportation infrastructure maintenance, particularly of the region's streets and roadways must be a programming priority;
- Mixed support on whether to continue to invest and expand the roadway network;
- Mixed support for capital projects for the region's transit system. Some comments expressed overall general support, other expressed support with specific caveats, such "support high capacity transit, but not in the form of light rail," or supports more local connectivity and expanded transit service.
- Mixed support for investing in the active transportation network; and
- Completing the build out by filling in the gaps and expanding the region's active transportation network must become a priority.

The full summary and individual comments on the draft 2015-2018 MTIP can be found in Appendix A of Exhibit A.

Staff recommends acceptance of the 2015-18 Metropolitan Transportation Improvement Program with no changes.

A subsequent public comment period related to the pending air quality conformity determination for the 2015-2018 MTIP was opened on May 15, 2014. The second public comment period intended to provide the opportunity to comment on the results of Metro's air quality analysis which determined the region will continue to meet federal and state clean air standards. The second public comment period also provided an opportunity to comment on the environmental justice and Title VI assessment for the 2015-2018 MTIP and 2014 RTP. The assessment provided an analysis of the levels of transportation investments in communities of concern relative to regional averages.

The summary of comments and responses can be found in the companion documents, considered under Resolution No. 14-4534 and Resolution No. 14-4533.

Proposed Amendments to the allocation of Regional Flexible Funds

Metro Resolution 13-4467 allocated regional flexible funds for the years 2016-18 to several transportation projects in the region. Three requests have been made to change the programming of those fund allocations as a part of the adoption of the 2015-18 MTIP.

1. Washington County was awarded \$2.132 million of regional flexible funds for construction of the intersection of Grahams Ferry Road and Tonquin Road. Since their application and award, the County has obtained local funding that would allow them to construct this intersection sooner (in 2016) in conjunction with a new arterial road from Grahams Ferry Road to Tualatin Sherwood Road. The County commits to funding this project as approved by Metro with local funds in exchange for reprogramming regional flexible funds to project development for a new east-west arterial connection Grahams Ferry Road and Boones Ferry Road. This proposal has been endorsed by the Washington County Coordinating Committee.

2. The City of Hillsboro was awarded \$8.267 million to construct the Brookwood Interchange Industrial Access project in the vicinity of the US26 Brookwood interchange. The Oregon Department of Transportation has both state transportation funding (Jobs and Transportation Act) and federal funding allocated to the nearby US26: Cornelius Pass Road to 185th project, slated for work in the 2016-18 time period. The state transportation funding is available today but would wait for the US 26 project to be ready to proceed. The City of Hillsboro has requested to utilize the available state transportation fund capacity for their arterial project beginning in 2015 to get an earlier start to the project and to consolidate all federal funding on the US26: Cornelius Pass Road to 185th project.

3. The Port of Portland was awarded \$8 million construct the Troutdale Industrial Access project, with potential to also complete a gap in the 40-Mile Loop trail project in the industrial park area that was awarded regional flexible funds in a previous allocation. Similar to the Hillsboro project, the Oregon Department of Transportation has both state and federal funding on the adjacent I-84 Troutdale interchange project and has a state funding contribution on the Troutdale Industrial Access project. The Port of Portland has requested to consolidate federal funding on the I-84 interchange project and the 40-Mile Loop trail projects in exchange for an equivalent amount of the state transportation funds to be consolidated on the Industrial Access project.

All of these fund exchanges would allow for accelerated implementation of projects and more efficient administration of project funding.

ANALYSIS/INFORMATION

1. **Known Opposition** None known at this time.
2. **Legal Antecedents** This resolution programs transportation funds in accordance with the federal transportation authorizing legislation (currently known as MAP-21). The allocation process is intended to implement the Regional Flexible Fund Allocation (RFFA) process for years 2015 through 2018 as defined by Resolution Nos. 12-4332 and 13-4467. The 2015-2018 MTIP must be consistent with the 2014 Regional Transportation Plan, adopted by Metro Ordinance No. 14-1340. This MTIP must also be determined to be in conformance with the federal Clean Air Act, which will be accomplished through concurrent action on Metro Resolution No. 14-4534.
3. **Anticipated Effects** Adoption of this resolution is a necessary step to make the transportation projects and programs defined in the 2015-2018 MTIP, provided as Exhibit A, eligible to receive federal funds to reimburse project costs.

- 4. Budget Impacts** Adoption of this resolution is a necessary step in making eligible federal surface program funds for planning activities performed at Metro. These impacts have been previously described as a part of the actions on Metro Resolution Nos. 11-4313 and 13-4467. This includes \$5,272,999 of federal funds to be used for planning activities at Metro between 2015-2018. Grant funds allocated to Metro planning require a match totaling 10.27% of project costs. This would include \$541,537 through the course of the 2015-18 time period. An additional \$15,658,000 of planning and programming activities scheduled and funded to take place in the 2015-2018 MTIP. These funds are subject to being sub-allocated to Metro or other agencies, although Metro would only be responsible for matching the portion of funds sub-allocated to Metro. Further action through the annual Unified Planning Work Program (UPWP) and individual Intergovernmental Agreements (IGA) will be needed to execute these planning activities.

RECOMMENDED ACTION

Staff recommends approval of Resolution No. 14-4532.

Agenda Item No. 5.1

Ordinance No. 14-1336, For the Purpose of Amending Maps in
Titles 4 and 14 of the Urban Growth Management Functional
Plan to Conform with Changes Enacted by the Oregon
Legislature in House Bill 4078.

Ordinances – Second Read

Metro Council Meeting
Thursday, July 31, 2014
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING)	ORDINANCE NO. 14-1336
MAPS IN TITLES 4 AND 14 OF THE)	
URBAN GROWTH MANAGEMENT)	Introduced by Martha J. Bennett, Chief
FUNCTIONAL PLAN TO CONFORM WITH)	Operating Officer, with the concurrence of
CHANGES ENACTED BY THE OREGON)	Tom Hughes, Council President
LEGISLATURE IN HOUSE BILL 4078)	

WHEREAS, in 2010 and 2011 Metro, Washington County, Multnomah County and Clackamas County entered into agreements regarding the designation of urban reserves and rural reserves in the Metro region pursuant to ORS 195.141, and those reserve areas were formally adopted and mapped on April 21, 2011 via Metro Ordinance No. 11-1255; and

WHEREAS, the Land Conservation and Development Commission (LCDC) reviewed the urban and rural reserve designations and voted to approve those designations at the close of its public hearing on August 19, 2011; and

WHEREAS, relying on LCDC’s vote of approval regarding the urban reserve areas, Metro proceeded with its 2011 growth management decision and expanded the Urban Growth Boundary (UGB) to include four areas in Washington County on October 20, 2011 via Ordinance No. 11-1264B; and

WHEREAS, LCDC issued its written decision approving the urban and rural reserve designations on August 14, 2012 via Order No. 12-ACK-001819, and issued its written decision approving the UGB expansion on December 21, 2012 via Order No. 12-UGB-001826; and

WHEREAS the LCDC order approving the urban and rural reserve designations was reversed and remanded by the Oregon Court of Appeals on February 20, 2014; and

WHEREAS, in response to the decision issued by the Court of Appeals, the Oregon Legislative Assembly enacted House Bill 4078 on April 1, 2014, which: (a) legislatively enacted Metro’s 2011 UGB expansion, (b) added approximately 1,178 acres of land formerly designated as urban reserve to the UGB in Washington County, (c) made changes in the designation of certain urban and rural reserve areas in Washington County, and (d) identified certain land being brought into the UGB as being specifically designated for employment and industrial purposes; and

WHEREAS, the UGB and reserves map revisions enacted by House Bill 4078 became effective immediately and create discrepancies with the maps adopted by Metro in 2011 and 2012; and

WHEREAS, Metro is obligated to revise its maps under Title 4 and Title 14 of the Urban Growth Management Functional Plan in order to make the mapped UGB and reserves locations correspond with the locations adopted by the legislature; now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro Title 14 map of the UGB and urban and rural reserves is hereby amended, as indicated in Exhibit A, attached and incorporated into this Ordinance, to revise the location of urban and rural reserves and the UGB as required by House Bill 4078.

2. The Metro Title 4 map of industrial and other employment areas is hereby amended, as indicated in Exhibit B, attached and incorporated into this Ordinance, to reflect new industrial and employment designations required by House Bill 4078.

ADOPTED by the Metro Council this _____ day of July 2014.

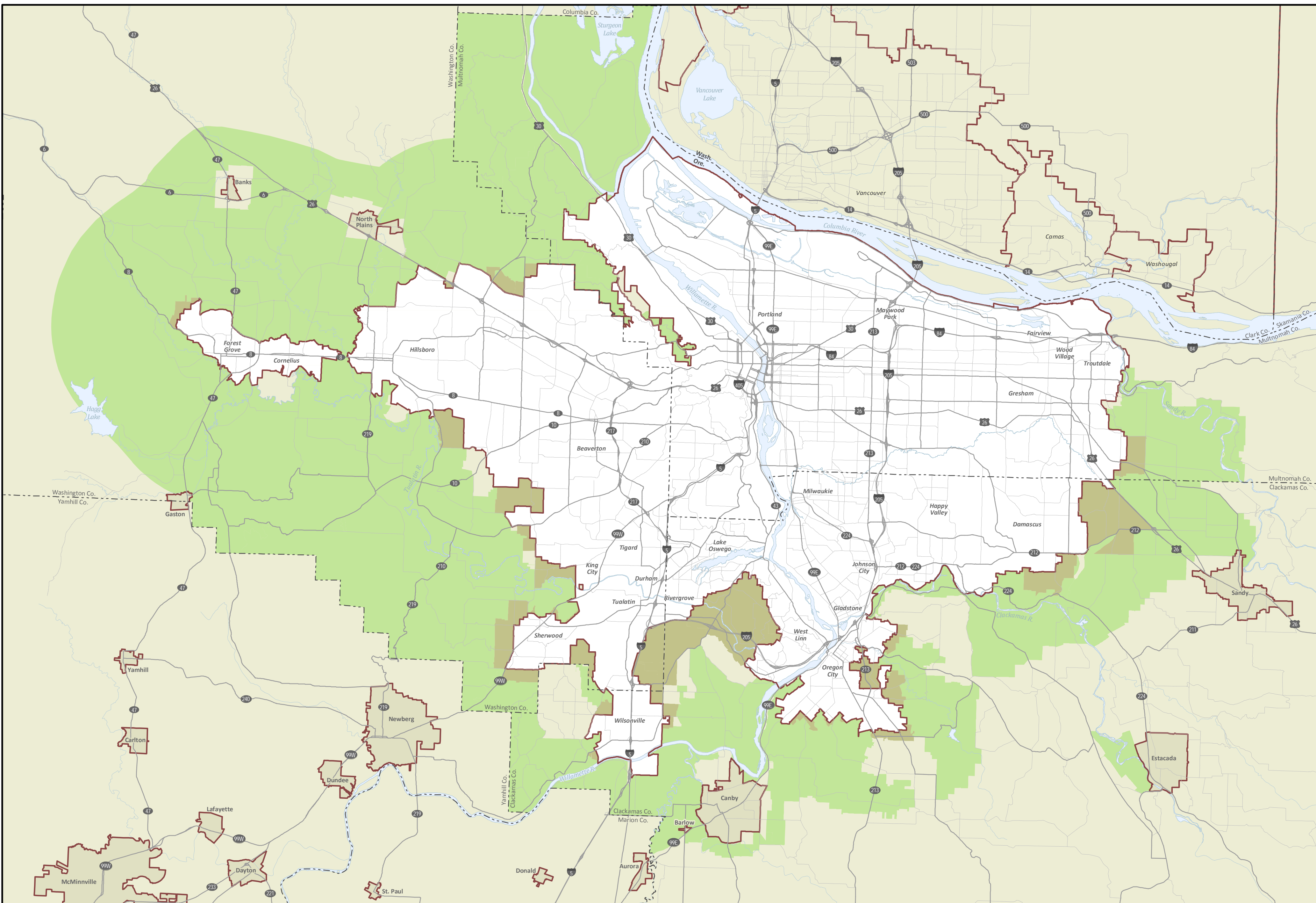
Tom Hughes, Council President

Attest:

Approved as to Form:

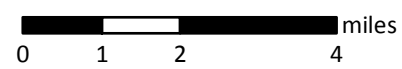
Troy Rayburn, Recording Secretary

Alison R. Kean, Metro Attorney



Title 14, Urban Growth Boundary - Exhibit A

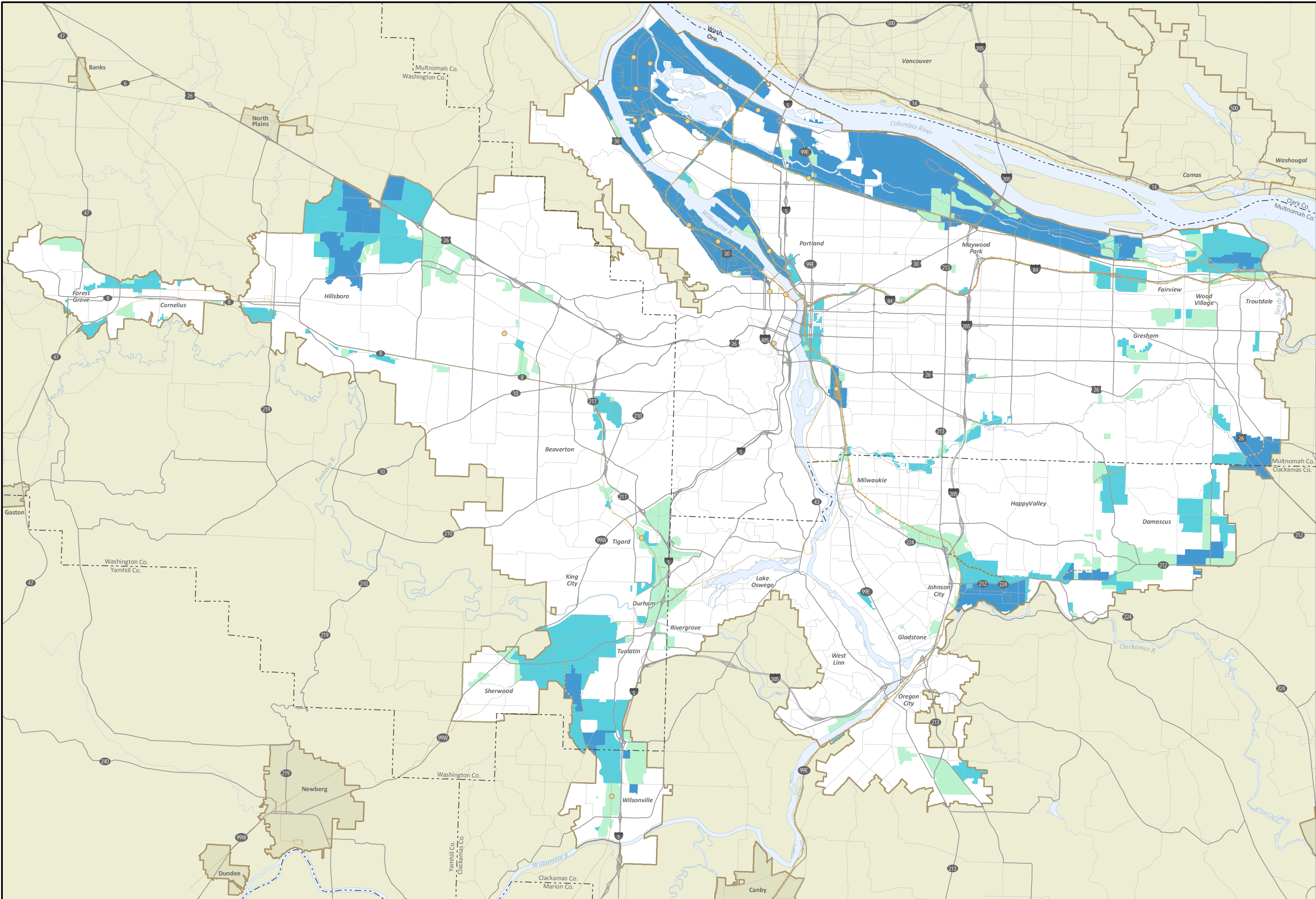
April 2014



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- - - County boundaries
- ▭ Urban growth boundaries
- ▭ Neighbor cities
- ▭ Rural reserve
- ▭ Urban reserve





Title 4, Industrial and Other Employment Areas - Exhibit B

April 2014

- Employment areas
- Industrial areas
- Regionally significant industrial areas
- Proposed main roadway routes
- Proposed road connectors
- Mainline freight
- Branch line freight
- Rail yards
- County boundaries
- Urban growth boundaries
- Neighbor cities



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STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 14-1336, FOR THE PURPOSE OF AMENDING MAPS IN TITLES 4 AND 14 OF THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN TO CONFORM WITH CHANGES ENACTED BY THE OREGON LEGISLATURE IN HOUSE BILL 4078

Date: July 3, 2014

Prepared by: Tim O'Brien
Principal Regional Planner

BACKGROUND

In 2007 the Oregon Legislature enacted Senate Bill 1011, codified at ORS 195.137 to 195.145, to establish a new method to designate urban and rural reserves at the request of Metro, Multnomah, Washington and Clackamas Counties, and numerous stakeholders in the region. Pursuant to rules adopted by the Land Conservation and Development Commission (LCDC) implementing the new urban and rural reserve statute, Metro and the three counties engaged in a three year process culminating in the adoption of Metro Ordinance No. 11-1255 on April 21, 2011, which identified and mapped urban and rural reserves in the Metro region.

On review of Metro's urban and rural reserves submittal, LCDC held public hearings and voted to approve the reserves decision in its entirety on August 19, 2011. However, the Commission's written acknowledgement order was not issued until almost a year later on August 14, 2012. Twenty-two petitioners, including property owners, non-profit and citizen groups and municipalities appealed the Commission's approval of urban and rural reserves to the Oregon Court of Appeals.

Based on LCDC's August 19, 2011 vote to acknowledge the region's urban and rural reserves, the Metro Council proceeded with its 2011 growth management decision. On October 20, 2011, the Metro Council adopted Ordinance No. 11-1264B adding four areas in Washington County to the urban growth boundary (UGB) to meet a residential and large lot industrial need. These four areas, Roy Rogers West, South Cooper Mountain, South Hillsboro and North Hillsboro were included in the UGB based on their urban reserve status as a result of LCDC's August 19, 2011 vote for acknowledgement.

On February 20, 2014, the Oregon Court of Appeals issued a decision reversing and remanding LCDC's order for further action consistent with the principles expressed in its opinion. The Court determined that LCDC erred in four respects (1) approving Washington County's misapplication of the rural reserve factors pertaining to agricultural land; (2) concluding that Multnomah County had adequately "considered" the rural reserve factors pertaining to Area 9D; (3) concluding that it has authority to affirm a local government's decision where its findings are inadequate if the evidence "clearly supports" the decision; and (4) failing to meaningfully explain why – even in light of countervailing evidence – Metro and the counties' designation of Areas 4A to 4D (commonly referred to as Stafford) as urban reserves is supported by substantial evidence.

In response to the Court of Appeals decision, the 2014 Oregon Legislature passed House Bill 4078, which directly impacted both the Court of Appeals decision regarding LCDC's approval of urban and rural reserves and the Metro Council's UGB decision of 2011. House Bill 4078 made significant changes to the designation of urban and rural reserves in Washington County, made final Metro's 2011 UGB expansion including the conditions of approval adopted by the Council, and added additional land to the UGB near

Cornelius, Forest Grove and Hillsboro. The Governor signed HB 4078 on April 1, 2014 and it became effective immediately.

PROPOSAL

Urban Growth Management Functional Plan (Functional Plan) Title 14: Urban Growth Boundary contains Metro’s code requirements related to expansion of the UGB. The Urban Growth Boundary and Urban and Rural Reserves Map contained in Title 14 is the official depiction of the UGB and the urban and rural reserves. Thus, the Title 14 map needs to be amended to represent the changes to the urban and rural reserves as well as the new areas that were added to the UGB as a result of House Bill 4078. A summary of the changes is outlined in the table below and represented on Attachment 1. Attachment 2 represents these changes on the Title 14 Map.

Additions to the Urban Growth Boundary and changes to the Urban and Rural Reserves	
UGB Additions	Acreage
Urban Reserve 7B Forest Grove	240
Urban Reserve 7C Cornelius	137
Urban Reserve 7D Cornelius	211
Urban Reserve 7E Forest Grove	38
Urban Reserve 8A Hillsboro	552
Urban Reserve to Rural Reserve	
Urban Reserve 7B Forest Grove	240
Urban Reserve 8A Hillsboro	1,769
Urban Reserve 8B Hillsboro	354
Undesignated to Rural Reserve	
Cornelius (north side)	360
North Plains (south side)	275
Forest Grove (Hwy 47)	28
Hillsboro (north of Hwy 26)	220
New Urban Reserve Area	
Hillsboro (Bendemeer Area)	417
New Undesignated Area	
Rural Reserve 5C (Scholls Ferry)	28
Urban Reserve 8B Hillsboro	86
Rural Reserve 8F (West Union)	25

Functional Plan Title 4: Industrial and other Employment Areas seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIA), Industrial and Employment Areas as depicted on the Title 4 Map. House Bill 4078 added land to the UGB with the intent that it be used for employment uses, thus the Title 4 Map needs to be amended to reflect these new employment areas that were added to the UGB. The land added to the UGB on the north side of Forest Grove is designated as Employment land and the land added to the UGB on the south side of Forest Grove is designated as Industrial land. The land added to the UGB on the north side of Hillsboro is designated as Industrial land. Attachment 3 represents these changes on the Title 4 Map.

The 2040 Growth Concept Map will be updated to reflect the changes adopted on the Title 4 and 14 Maps upon effective date of this ordinance. The UGB additions adjacent to Cornelius will be designated for residential use on the 2040 Growth Concept Map.

ANALYSIS/INFORMATION

Known Opposition: There is no known opposition to this application.

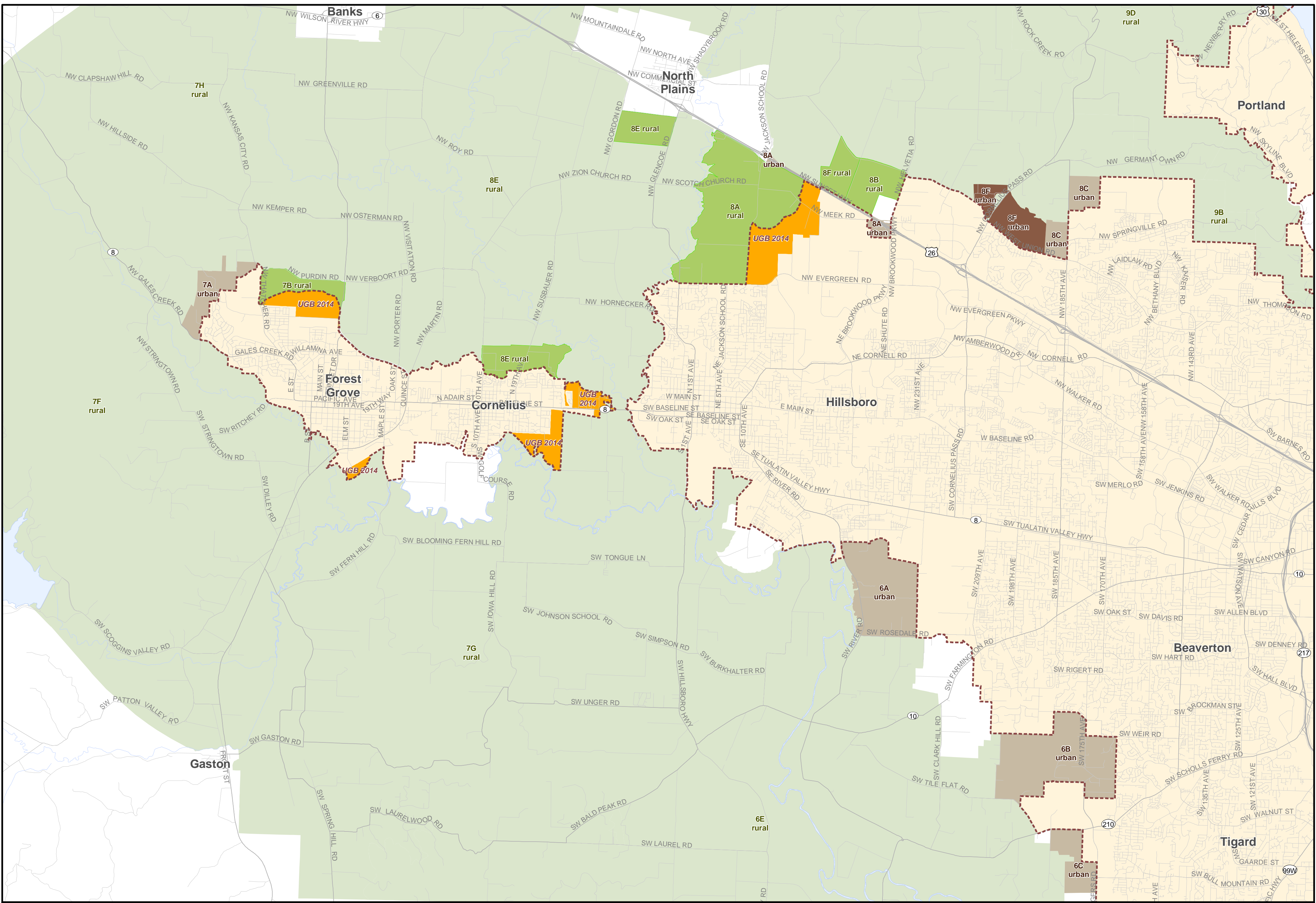
Legal Antecedents: Oregon Revised Statute (ORS) 197.298 and 197.299 and Metro Code Section 3.07.1400 provide evaluation and amendment requirements for an amendment to the urban growth boundary.

Anticipated Effects: Adoption of Ordinance No. 14-1336 will officially amend the UGB and adopt the amendments to the urban and rural reserves consistent with the provisions of House Bill 4078. These amendments will be reflected on Functional Plan Title 14 Map. Functional Plan Title 4 Map is amended to reflect the new UGB additions that are intended for employment use as directed by House Bill 4078.

Budget Impacts: There is no budget impact.

RECOMMENDED ACTION

Staff recommends adoption of Ordinance No. 14-1336.

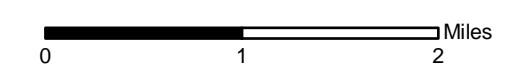


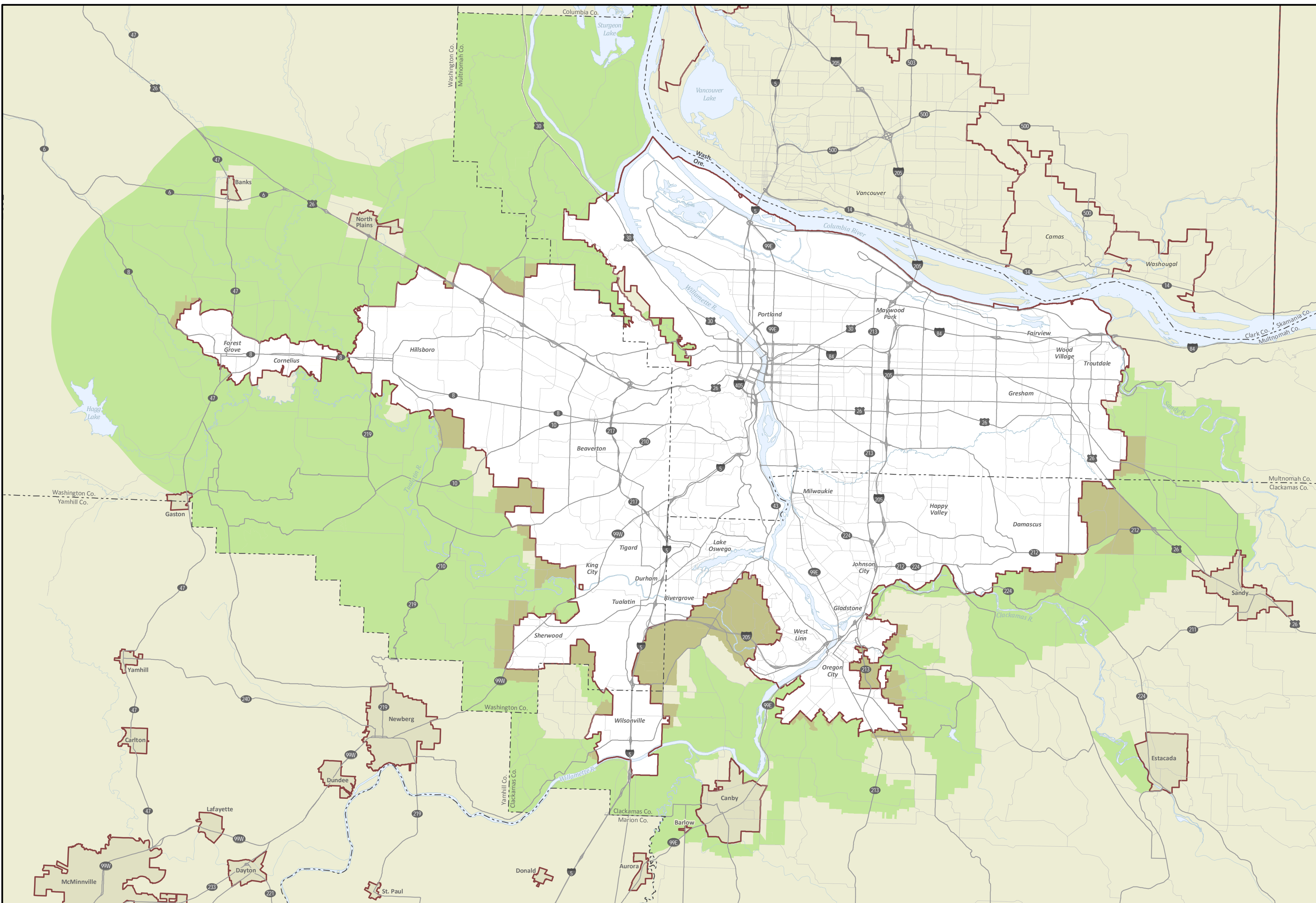
HB 4078 Reserves and Urban Growth Boundary Washington County Area - Attachment 1

June 2014

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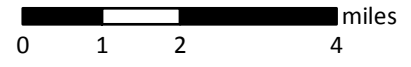
- New Rural Reserves Added
- Existing Rural Reserve
- New Urban Reserve Added (Formerly Rural Reserve)
- Existing Urban Reserve
- New Urban Growth Boundary
- New Urban Growth Boundary Areas Added (Formerly Urban Reserve)
- Existing Urban Growth Boundary





Title 14, Urban Growth Boundary - Attachment 2

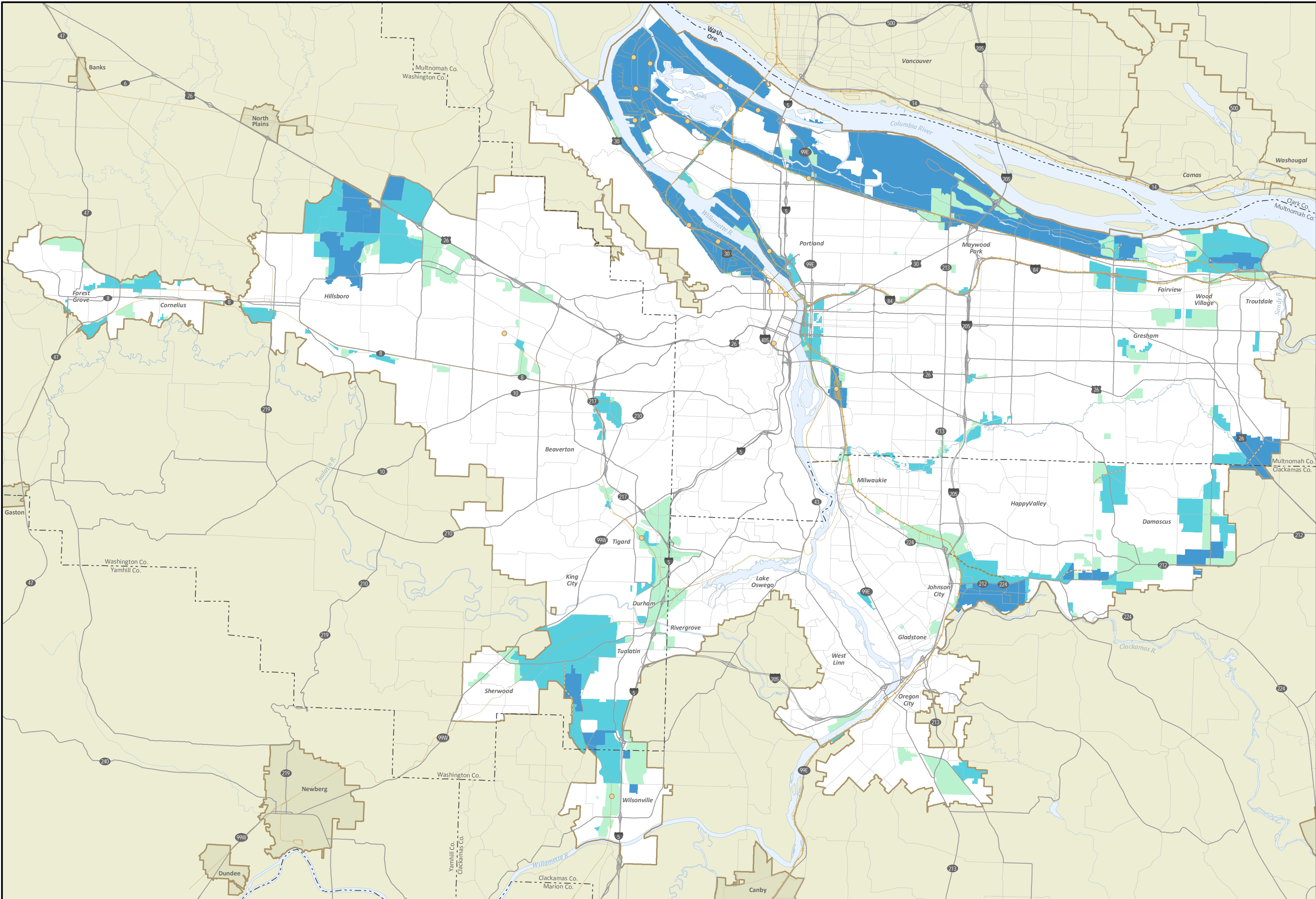
June 2014



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- - - County boundaries
- ▬ Urban growth boundaries
- Neighbor cities
- Rural reserve
- Urban reserve





Title 4, Industrial and Other Employment Areas - Attachment 3

April 2014

- Employment areas
- Industrial areas
- Regionally significant industrial areas
- Proposed main roadway routes
- Proposed road connectors
- Mainline freight
- Branch line freight
- Rail yards
- County boundaries
- Urban growth boundaries
- Neighbor cities



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Materials following this page were distributed at the meeting.



METRO COUNCIL MEETING
Meeting Minutes
July 24, 2014
Metro, Council Chamber

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

Councilors Excused: Council President Hughes and Councilor Dirksen.

Deputy Council President Chase noted a quorum was present and called the council meeting to order at 2:00 p.m.

1. INTRODUCTIONS

Deputy Council President Chase outlined the agenda and related logistics.

2. CITIZEN COMMUNICATIONS

Former Metro Councilor Robert Liberty, Portland, spoke to the Metro Council about his appreciation for the draft 2014 Urban Growth Report. He went out of his way to acknowledge both technical staff responsible for the research and hardcopy product, and the Council for their supervision of the materials released.

Ron Swanson, Portland, spoke to the Metro Council about the Columbia River Crossing project and brought to the Metro Council's attention a Clark County, WA commissioner's most recent third bridge proposal.

Matt Ellison, Vancouver, WA, spoke to the Metro Council about Oregon Zoo employees capped hours worked.

Dana Carstensen, Hillsboro, spoke to the Metro Council about his experience as a union steward for Oregon Zoo employees. He cited a possible strike by zoo employees if conditions do not change.

3. CONSIDERATION OF COUNCIL MEETING MINUTES FOR JULY 17, 2014

Deputy Council President Chase introduced agenda item #3 and asked the Metro Council if there were any comments or proposed corrections. Seeing none, he asked for a motion and a second.

Councilor Harrington moved the meeting minutes for July 17. Councilor Collette seconded. The motion passed unanimously, 5/0/0 with Hughes and Dirksen excused.

4. RESOLUTIONS

- 4.1 **Resolution No. 14-4544**, Amending the FY 2014-15 Budget and Appropriations Schedule to Provide for a Change in Operations.

Deputy Council President Chase introduced agenda item #4.1 and asked the Council Administrator to read the resolution into the record by title only. After the resolution was read into the record by title only, he asked for a motion and a second. Councilor Harrington moved Resolution No. 14-4544. Councilor Collette seconded.

Deputy Council President Chase called on Metro's Budget Coordinator Kathy Rutkowski to provide a brief staff report. Ms. Rutkowski noted the following amendments to the recently passed budget: (1) a request to transfer \$600,000 from the Oregon Convention Center Contingency Fund to Materials and Services for purposes of funding legal services assistance; (2) the addition of two part-time Oregon Zoo animal keepers to support the condor program / funding neutral; and (3) the transfer of \$140,000 from the Sustainability Department's Contingency Fund to the department's Materials and Services line-item to fund habitat restoration projects.

Councilors inquired about contingency fund account versus reserve fund account, the prospect of similar transfers in the future or throughout the year, and staying within the scope of the total budget package previously approved.

After Ms. Rutkowski answered the Council's questions to their satisfaction, Deputy Council President Chase called on the Council Administrator to call roll. The motion passed unanimously, 5/0/0 with Hughes and Dirksen excused.

5. ORDINANCES – FIRST READ

- 5.1 **Ordinance No. 14-1336**, For the Purpose of Amending Maps in Titles 4 and 14 of the Urban Growth Management Functional Plan to Conform with Changes Enacted by the Oregon Legislature in House Bill 4078.

Deputy Council President Chase introduced agenda item # 5.1 and asked the Council Administrator to read Ordinance No. 14-1336 into the record by title only. The Council Administrator read the ordinance into the record. Deputy Council President Chase then noted that second read, public hearing, Council consideration and vote are scheduled for July 31. Metro Staff will bring forward the legislation.

6. ORDINANCES – SECOND READ

Deputy Council President Chase introduced Ordinances – Second Read and explained the process for the eight (8) related ordinances. The ordinances were read en-bloc into the record by title only followed by one combined staff report for all the ordinances. There was

one public hearing for the eight ordinances after Council questions and comments. Each ordinance will receive its own motion, second, and vote.

After explaining the process, Deputy Council President Chase called on Metro's Regulatory Affairs Manager Roy Brower to present the combined staff report. Mr. Brower spoke to the first seven ordinances as part of a package related to updating and reorganizing Metro's Solid Waste Code. Together the ordinances are intended to improve the consistency, usability and accessibility of the Solid Waste Code for the users of the code into a more flexible, nimble, high level and logically organized document.

After Mr. Brower's staff report Deputy Council President Chase asked the Council if there were any questions or comments. Councilors inquired about the date the ordinances become effective, Ordinance No. 14-1337's list of facilities that would no longer be listed in code, public access to the code revisions, and the difference between a dry waste landfill verses a general landfill.

Deputy Council President Chase announced and opened a public hearing on all eight of the ordinances after Mr. Brower addressed each of the Council's questions. Seeing no one come forward to testify under public hearing, Deputy Council President Chase gaveled down and closed the public hearing.

He then announced Council will go through the process of adopting the ordinances one at a time. Each will be individually read into the record, followed by taking a motion and second for each, and finally an individual vote for each ordinance.

- 6.1 **Ordinance No. 14-1331**, For the Purpose of Amending Metro Code Title V to Add Metro Code Chapter 5.00, Solid Waste Definitions, and to Repeal Sections 5.01.010, 5.02.015, 5.04.005, 5.05.010, 5.09.020, and 5.10.010; and Modify Certain Definitions in Section 7.01.010.

The ordinance was read into the record by title only. Councilor Collette moved Ordinance No. 14-1331. Councilor Craddick seconded. The motion passed unanimously, 5/0/0 with Hughes and Dirksen excused.

- 6.2 **Ordinance No. 14-1332**, For the purpose of Amending Metro Code Title V, Solid Waste, to Revise Chapter 5.01 and to Repeal Chapter 5.03.

The ordinance was read into the record by title only. Councilor Collette moved Ordinance No. 14-1332. Councilor Craddick seconded. The motion passed unanimously, 5/0/0 with Hughes and Dirksen excused.

- 6.3 **Ordinance No. 14-1333**, For the Purpose of Amending Metro Code Chapter 5.05 to Delete Lakeside Reclamation from the List of Metro Designated Facilities.

The ordinance was read into the record by title only. Councilor Stacey moved Ordinance No. 14-1333. Councilor Collette seconded. The motion passed unanimously, 5/0/0 with Hughes and Dirksen excused.

- 6.4 **Ordinance No. 14-1334**, For the Purpose of Amending Metro Code Chapter 5.05 to Delete Cedar Grove Composting, Inc. from the List of Metro Designated Facilities.

The ordinance was read into the record by title only. Councilor Stacey moved Ordinance No. 14-1334. Councilor Collette seconded. The motion passed unanimously, 5/0/0 with Hughes and Dirksen excused.

- 6.5 **Ordinance No. 14-1335**, For the Purpose of Amending Metro Code Chapter 5.05 to Delete Weyerhaeuser Regional Landfill from the List of Metro Designated Facilities Effective January 1, 2015.

The ordinance was read into the record by title only. Councilor Harrington moved Ordinance No. 14-1335. Councilor Craddick seconded. The motion passed unanimously, 5/0/0 with Hughes and Dirksen excused.

- 6.6 **Ordinance No. 14-1337**, For the Purpose of Amending Metro Code Title V, Solid Waste, to Revise Chapter 5.05.

The ordinance was read into the record by title only. Councilor Harrington moved Ordinance No. 14-1337. Councilor Collette seconded. The motion passed unanimously, 5/0/0 with Hughes and Dirksen excused.

- 6.7 **Ordinance No. 14-1338**, For the Purpose of Amending Metro Code Title V, Solid Waste, to Revise Chapter 5.02.

The ordinance was read into the record by title only. Councilor Stacey moved Ordinance No. 14-1338. Councilor Craddick seconded. The motion passed unanimously, 5/0/0 with Hughes and Dirksen excused.

- 6.8 **Ordinance No. 14-1342**, For the Purpose of Amending Metro Code Section 2.19.130 to Change the Name of the Solid Waste Advisory Committee.

The ordinance was read into the record by title only. Councilor Harrington moved Ordinance No. 14-1342. Councilor Stacey seconded. The motion passed unanimously, 5/0/0 with Hughes and Dirksen excused.

7. CHIEF OPERATING OFFICER COMMUNICATION

Chief Operating Officer Martha Bennett briefed the Metro Council on:

- The reopening of Blue Lake Park's swimming and boating
- The Keller Auditorium power outage
- The Lone Fir Cemetery Foundation and Metro's sponsorship of an exclusive beer tasting opportunity to raise awareness of Lone Fir Cemetery tomb
- Metro's RISE Team's co-sponsorship of a July 31 sustainability conversation between Portland Mayor Charlie Hales and Indianapolis Mayor Greg Ballard

8. COUNCILOR COMMUNICATIONS

Councilor Harrington shared her enthusiasm with her Metro Council colleagues regarding local outstanding golf player Michelle Nava, 13, and her connection to Metro's regional parks where she learned to play golf. Councilor Harrington also briefed the Metro Council on the previous evening meeting of the Metro Policy Advisory Committee (MPAC). Councilor Craddick briefed the Council on the Powell Division Transit and Development Project. She also noted the Gresham City Library's open house for the project.

ADJOURN

There being no further business, Deputy Council President Chase adjourned the regular meeting at approximately 3:00 PM. The Metro Council will convene in next regular council meeting on Thursday, July 31, at 2 p.m. in the Metro Council Chambers.

Respectfully submitted,



Troy Rayburn
Council Administrator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JULY 24, 2014

Item	Topic	Doc. Date	Document Description	Doc. Number
3.	Handout	7/14/2014	Meeting Minutes	72414c-01

73114-02

325 NW 334th Avenue
Hillsboro, OR 97124

July 20, 2014

Metro
600 NE Grand Avenue
Portland, OR 97232

RE: NW 334th Avenue Testimony on Ordinance No. 14-1336

Metro Council:

We appreciate the prompt response from the Metro Council on our neighborhood's petition regarding the land on NW 334th Avenue to be removed from the urban growth boundary. Please take this letter as our testimony regarding Ordinance No. 14-1336.

The farmers and rural residents (a.k.a. land owners) of NW 334th Avenue oppose Ordinance No. 14-1336 if this ordinance amends the Title 14 map, Title 4 map, and other Metro maps showing the land on NW 334th Avenue being incorporated into the urban growth boundary. The 2040 Growth Concept Map should reflect the land on NW 334th Avenue as farming and rural residential. We request Metro Council delay amending the section of the maps for the land on NW 334th Avenue just north of Tualatin Valley Highway until Oregon Legislative Assembly or a local process removes the land on NW 334th Avenue from the urban growth boundary for the following reasons:

1. There is no transparency regarding the land incorporation of NW 334th Avenue into the urban growth boundary

The State, Regional, and Local Governments are required to be transparent on how and why they make a decision. There is no record on the decision to place the land on NW 334th Avenue north of Tualatin Valley Highway into the urban growth boundary. A meeting occurred in Hillsboro on February 23, 2014. We have received different stories on whether the map showing NW 334th Avenue being placed into the urban growth boundary was drawn prior or at this meeting. We heard one story saying the Oregon Legislative Assembly forced City of Cornelius to take the land on NW 334th Avenue and we heard another story that the City of Cornelius requested this land at this meeting. What we gathered talking with organizations who attended the meeting on February 23, 2014 is that the Governor's Office and City of Cornelius had a side conversation from the meeting with no witnesses. If a side conversation occurred regarding the land on NW 334th Avenue, the decision to place the land on NW 334th Avenue into urban growth boundary was not a transparent public process.

This February 23, 2014 meeting had no minutes. From what we learned, the meeting had no 'sign-in' sheets showing attendance. None of the land owners on NW 334th Avenue were invited to this meeting. None of us were aware of this meeting.

State Representative Ben Unger said, "The whole discussion was very short - less than an hour - if that - and the only paper trail that was produced was the bill itself," regarding the discussion of the land on NW 334th Avenue at the February 23, 2014 meeting. The proposal to include the land on NW 334th Avenue into the urban growth boundary and the decision to place the land into the urban growth boundary lasted one hour is not a valid planning process. None of the elected officials considered how the decision will affect the livelihood and lifestyle of the land owners on NW 334th Avenue. The land owners on NW 334th Avenue have spent two months of their time trying to figure out what happened in that one hour conversation than time the conversation took on February 23, 2014.

When we first learned our land was incorporated into the urban growth boundary by House Bill (HB) 4078 in May of 2014, we heard from state and local planners about HB4078. They both said HB4078 was a 'back-room' deal with no public process. We are finding their statements to be true as we continue to learn more about this bill. We received no clear answers from elected officials on the following questions:

- Who lobbied or advocated the Oregon Legislative Assembly to place the land on NW 334th Avenue into the urban growth boundary through HB4078 and why?
- Why did the Oregon Legislative Assembly leap from mapping reserve designations to expanding the urban growth boundary? Whose idea was it to make this giant leap? Why incorporate the land on NW 334th Avenue into the urban growth boundary?
- Why are elected officials adamant of not wanting to reopen the HB4078 map during the technical corrections in the 2015 Oregon Legislative Assembly session to remove the land on NW 334th Avenue?

HB4078 violates Statewide Planning Goal #1, "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process," by not providing any notification to the land owners on NW 334th Avenue of the meetings that occurred on February 23, 2014. The land owners on NW 334th Avenue should have been involved in the discussions regarding their land. The State of Oregon is required to follow this planning goal as listed under Oregon Administrative Rule 660-15-000.

2. House Bill 4078 violated the land owners on NW 334th Avenue 5th-Amendment right of due process on their property

In 2011, City of Cornelius requested the land west of NW 338th Avenue to be incorporated into the urban growth boundary (Appendix C). The land on NW 334th Avenue was not included in this request. Metro decided not to incorporate the land west of NW 338th Avenue into the urban growth boundary in 2011.

HB4078 took our right to free speech and due process away regarding our land. The Oregon Legislative Assembly never notified any land owner on NW 334th Avenue that the land was considered being placed into the urban growth boundary through the drafting process of this bill. We were not asked whether this bill would affect our livelihood. The map showing land on NW 334th Avenue proposed to be placed into the urban growth boundary through HB4078 first appeared in the *Oregonian* on-line web site the evening of February 24, 2014. The map is difficult to read in determining which land was affected by the bill. No one believed HB4078 would incorporate the land on NW 334th Avenue into the urban growth boundary because there were no previous conversations about incorporating this land into the urban growth boundary. Even if the land owners on NW 334th Avenue

realized the land was being considered to be incorporated into the urban growth boundary by this map, there was not enough time to voice opposition. The Oregon House voted on the bill on February 28, 2014, just four days after the *Oregonian* publication:

http://www.oregonlive.com/politics/index.ssf/2014/02/land_use_grand_bargain_could_m.html

Metro typically sends postcards notifying nearby or affected land owners of a potential urban growth boundary expansion. Metro Code Section 3.07.1420(D) requires Metro to provide all households, located within one mile of the proposed amendment area and to all cities and counties within the district, notice at least 20 days prior to the first public hearing on the urban growth boundary expansion. Metro process gives an opportunity for people to provide comments on how the urban growth boundary expansion affects their livelihood. HB 4078 denied the ability for us to have this typical due process on our land. This bill treated us unfairly by denying us this right of due process that others receive when their land is being considered to be placed into the urban growth boundary.

3. Metro is violating their code by amending their maps

Urban Reserve 7C has 137 acres and 7D has 211 acres. Ordinance 14-1336 to modify Metro's maps of placing these urban reserves into the urban growth boundary violates Metro Code Section 3.07.1420(D). No notice has been given to the properties within or outside Urban Reserve 7C and 7D. No copies of the report have been given to the households within one mile of the proposed amendment. As listed under Metro Code Section 3.07.1465, we have not seen a notice to the general public at least 45 days before the first public hearing in a newspaper of general circulation. A Metro Council decision on Ordinance 14-1336 should be delayed until Metro conducted the appropriate outreach as listed in Metro Code.

Metro Code Section 3.07.1420(D)

If the proposed legislative amendment of the UGB is in excess of 100 acres, Metro shall prepare a report on the effect of the proposed amendment on existing residential neighborhoods. Copies of the report shall be provided to all households located within one mile of the proposed amendment area and to all cities and counties within the district at least 20 days prior to the hearing. The report shall address:

- I. Traffic patterns and any resulting increase in traffic congestion, commute times and air quality;*
- II. Whether parks and open space protection in the area to be added will benefit existing residents of the district as well as future residents of the added territory; and*
- III. The cost impacts on existing residents of providing needed public facilities and services, police and fire services, public schools, emergency services and parks and open spaces.*

Metro Code Section 3.07.1465(A)

In writing to the Department of Land Conservation and Development and local governments of the Metro region at least 45 days before the first public hearing on the proposal. In addition notice to the general public at least 45 days before the first public hearing by an advertisement no smaller than 1/8 page in a newspaper of general circulation in the Metro area and by posting notice on the Metro website

4. Washington County's Future Development 20 Acre District (FD-20) will impact the livelihood on NW 334th Avenue

Washington County Planning Commission placed a recommendation to the Washington County Board of Commissioners on July 16, 2014 through Ordinance 785 to change the zoning on our land from Agricultural & Forest District (AF-5) and Rural Residential Five Acre Minimum District (RR-5) to Future Development 20 Acre District (FD-20). The Planning Commission tried to see if we could keep our existing zoning, but Washington County planning staff says this FD-20 zoning is required when land is placed into the urban growth boundary. This FD-20 zoning lists the current farming and rural uses on NW 334th Avenue as a Type 3 or prohibited use, which causes the existing farming and rural uses as a non-conforming use. Placing the current farming and rural uses as non-conforming use places stress on the land owners on NW 334th Avenue because they will need to prove to a zoning enforcer that their use was an existing use prior to the zone change. The land owners on NW 334th Avenue also have planned future agricultural uses on their land, which this zoning prohibits. This FD-20 zoning will impact the livelihood and lifestyle for the land owners on NW 334th Avenue.

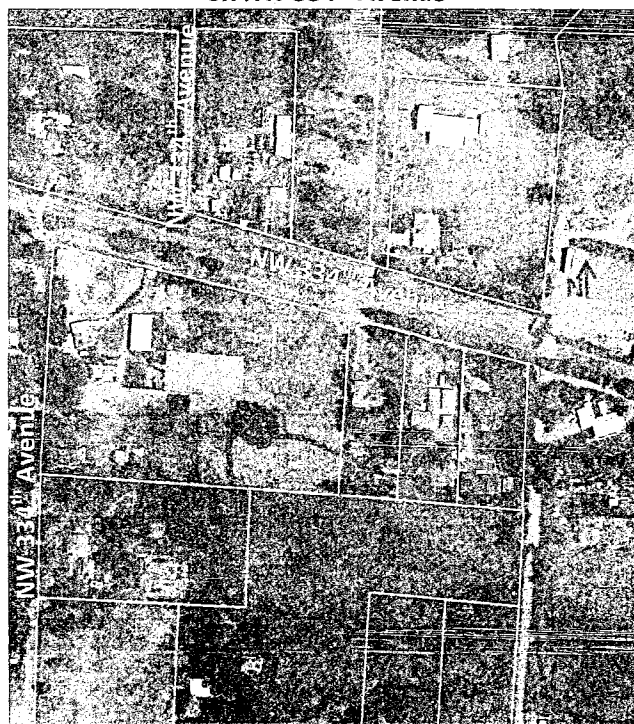
The presumed 'back-room' deal of HB4078 did not consider the impact the decision will have on the land owners of NW 334th Avenue. If we were notified during the drafting of the bill, we could have shared our story with the elected officials and decision makers.

5. The urban growth boundary line traced on the land NW 334th Avenue is nonsensical

The urban growth boundary line going through the land on NW 334th Avenue does not follow tax lot lines. It is a squiggly line, causing difficulty for a farmer on NW 334th Avenue to know which part of his/her property he/she can farm (see Figure A). The land owners on NW 334th Avenue showed these lines to the Washington County Planning Commission on July 16, 2014. The commission asked Washington County Planners who derive these lines. The staff did not know the answer to this question. The commission chair even referred the lines as 'screwball' during the hearing.

These nonsensical urban growth boundary lines impact the livelihood of the land owners on NW 334th Avenue. One side of the tax lot would have AF-5 zoning while the other side of the tax lot would FD-20 zoning. How does the State, Metro, and Washington County expect a farmer to know which side of his/her property the farming uses are Type 1 (permitted) use.

Figure A: House Bill 4078 Urban Growth Boundary Line (Dark Red Line) and Tax Lot Lines (Yellow Lines) on NW 334th Avenue



6. Metro should wait to adopt the new maps until the technical corrections are made to the HB4078 maps in the 2015 Oregon Legislative Assembly session

The Oregon Legislative Assembly made mapping errors when drafting HB4078. The Oregon Legislative Assembly will be making technical corrections to these maps in the 2015 session. Metro Council should hold on amending urban growth boundary maps until after the Oregon Legislative Assembly session to ensure the maps have the correct lines.

7. The land owners on NW 334th Avenue are united

Appendix A shows the petition from the land owners on NW 334th Avenue for our land to be removed from the urban growth boundary. It also shows a conceptual map of the land to be removed from the urban growth boundary by tax lot (Appendix B). The farms and rural residences on NW 334th Avenue have cows, horses, sheep, turkeys, geese, ducks, and chickens. We are truly concern that this urban growth boundary expansion and new zoning will destroy our livelihood. The land owners on NW 334th Avenue are also very sentimental to their land and want to share the rural lifestyle for future generations. My wife's family has been on the same land on 334th Avenue for five generations. We are expecting the sixth generation this December.

8. 18 to 24 acres to be removed from the urban growth boundary

The land owners on NW 334th Avenue are requesting 18 to 24 acres to be removed from the urban growth boundary. We do not have an exact number of acreage due to the squiggly urban growth boundary lines, making it difficult for us to determine the exact acreage. The removal of this land from the urban growth boundary should have no impact to Metro future growth projections. There should be no difficulty in removing this land from the urban growth boundary since the land is on the border.

Metro and Washington County can work with the land owners on NW 334th Avenue to remove this land from the urban growth boundary through the following processes under Metro code and State law:

- Metro Code 3.07.1430;
- Oregon Revised Statute 197.764; and
- Oregon Administrative Rule 660-024-0070.

Next Steps

We hope by reading this letter that Metro Council will change their position and support our effort to be removed from the urban growth boundary. The land owners on NW 334th Avenue need to have their right of due process protected on their land. Without due process, our government becomes lawless.

We look forward to the Metro Council performing the next steps:

1. Metro Council supports removing the land from NW 334th Avenue from the urban growth boundary. Metro Council will encourage the Oregon Legislative Assembly during the 2015 session to remove NW

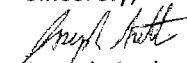
334th Avenue from the urban growth boundary map during technical corrections of HB4078 or a new legislative bill; and

2. Metro Council will provide the land owners on NW 334th Avenue the typical due process when the land on this street is being considered to be placed into the urban growth boundary. The land owners on NW 334th Avenue should be treated fairly and no differently by the Metro Council as every other land owner in the Portland Metropolitan Area when undergoing the process of their land being considered to be incorporated into the urban growth boundary.

We request the same consideration is given to our neighbors on NW 336th Avenue who also do not want approximately 10 acres of their land in the urban growth boundary.

We look forward to your response and we are available if you like to meet.

Sincerely,



Joseph Auth

334thavenue.org

503-929-2913

Appendix

- A. NW 334th Avenue Petition to be Removed from the Urban Growth Boundary (Pages 8 & 9)
- B. Map of land on NW 334th Avenue to be Removed from the Urban Growth Boundary (Pages 10)
- C. Notice Received from Metro in 2011 for nominated land to be placed into the Urban Growth Boundary near NW 334th Avenue. Metro did not approve this land to be incorporated into the Urban Growth Boundary in 2011 (Pages 11 &12)

City of Cornelius, Washington County, Metro, and State of Oregon:

We do not want to be incorporated into the urban growth boundary.

We do not want to be annexed into the City of Cornelius.

The State of Oregon neither collected our input nor notified us that our properties will be incorporated into the urban growth boundary through HB 4078. We want our properties to be placed outside of the urban growth boundary.

Respectfully, the undersigned:

Name	Address	Signature	Date
Joseph Awith & Amanda Spahn	325 NW 334th Avenue Millsboro, OR 97124	<i>Joseph Awith</i> <i>Amanda Spahn</i>	5-31-14 5-31-14
Ryann Cheryl Spahn	375 NW 334th Ave 345 NW 334th Ave 355 NW 334th Ave	<i>Ryann Spahn</i> <i>Cheryl Spahn</i>	5-31-14 5-31-14
Waineta Dye	315 NW 334th Ave	<i>Waineta Dye</i>	5-31-14
Laura Heinrich	430 NW 334th Ave	<i>Laura Heinrich</i>	5-31-14
VELMA ANDERSON	434 NW 334th Ave.	<i>Velma Anderson</i>	5-31-14
Ray Anderson	434 NW 334th Ave	<i>Ray Anderson</i>	
GARY STANDLEY	424 NW 334th Avenue	<i>Gary Standley</i>	5-31-14
MARY STANDLEY	424 NW 334th Avenue	<i>Mary Standley</i>	5-31-14
PATTI Alesha	428 NW 334th Ave	<i>Patti Alesha</i>	5-31-14
MARLENE SATTELIC	395 NW 334th Ave		5-31-14
Sarah Jackson	150 NW 334th Ave	<i>Sarah Jackson</i>	5/31/14

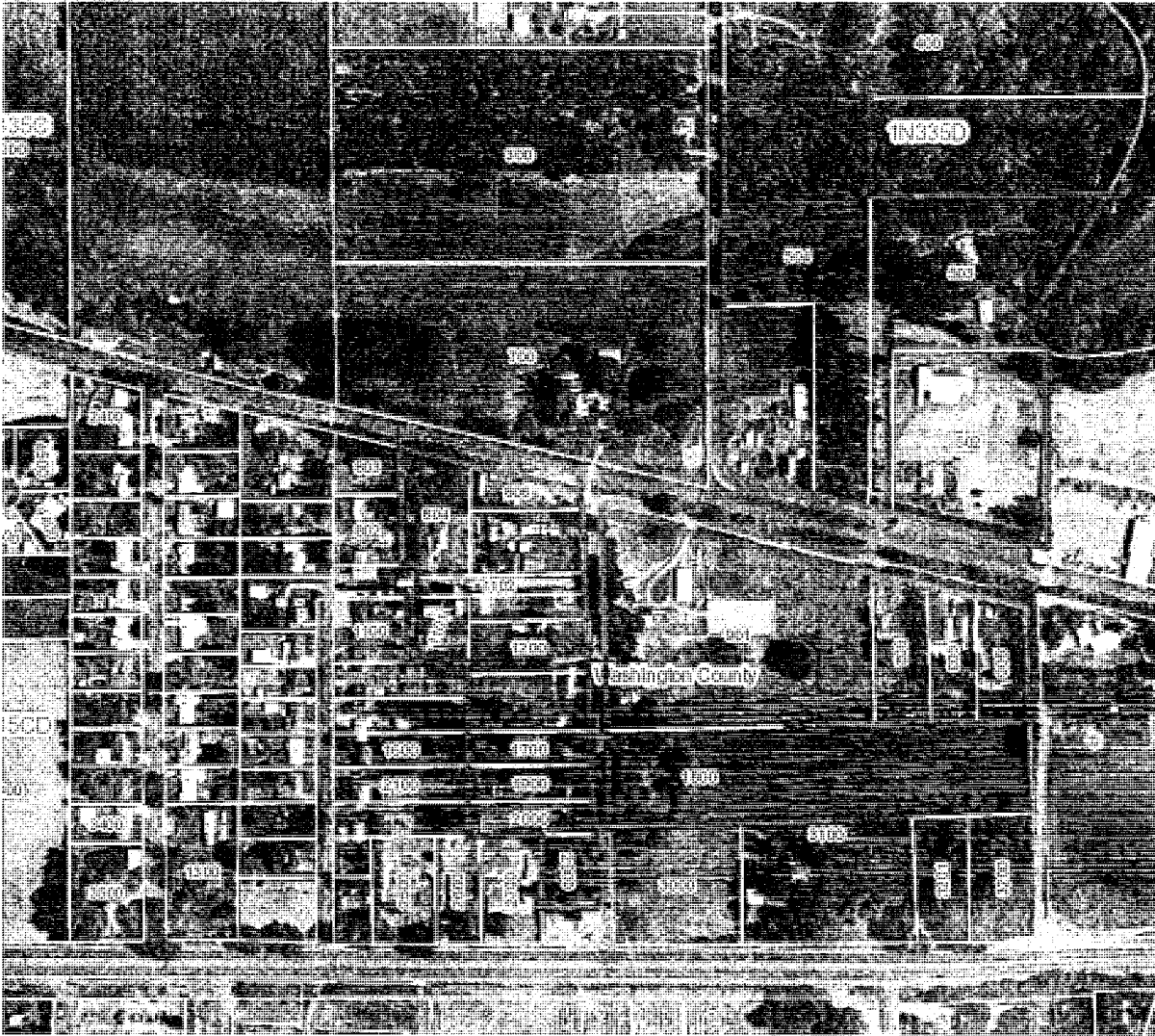
City of Cornelius, Washington County, Metro, and State of Oregon:

We do not want to be incorporated into the urban growth boundary.
 We do not want to be annexed into the City of Cornelius.

The State of Oregon neither collected our input nor notified us that our properties will be incorporated into the urban growth boundary through HB 4078. We want our properties to be placed outside of the urban growth boundary.

Respectfully, the undersigned:

Name	Address	Signature	Date
Sandra Houston Thomas/Horster	105 NW 334th Ave Hillsboro 97124	Sandra Houston Thomas/Horster	5-31-14
Jinda (Oliver)	165 NW 334th Ave Hillsboro, OR 97124	Jinda Oliver	5-31-14
Mary E Zoucha	440 NW 334th Ave Hillsboro, OR 97124	Mary E Zoucha	6-1-14
Michael Zoucha	440 NW 334th Ave Hillsboro OR 97124	Michael Zoucha	6-1-14
Donna Sahlfeld	240 NW 334th Ave Hillsboro, OR 97124	Donna Sahlfeld	6-2-14
Michael Hollings	705 NW 334th Hillsboro OR 97124	Michael Hollings	6/2/14
Tom Smith	135 NW 334th Hillsboro, OR 97124	Tom Smith	6/2/14



NW 334th Avenue Map

Red Perimeter = Proposed properties to be taken out of the Urban Growth Boundary on NW 334th Avenue by tax lot since the UGB line is difficult to draw (Approximately 18 to 24 acres).

This map is conceptual and perimeter boundaries may change

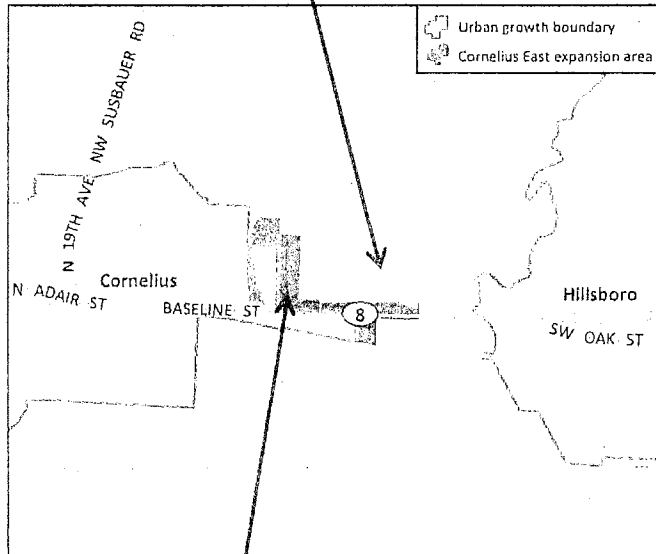
Example of the notification Metro gives when considering land into the Urban Growth Boundary. House Bill 4078 went around property owner right of due process by providing no notification.

The land on NW 334th Avenue was not considered in 2011 when Metro was considering expanding the urban growth boundary.

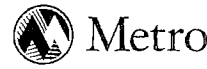
Public notice
Proposed Urban Growth Boundary Expansion

Requested by the City of Cornelius

A proposed Metro land use planning ordinance may affect the permissible use of your property and other properties.



100 HRAZMFI 97124
Metro did not place the land in blue into the urban growth boundary in 2011.



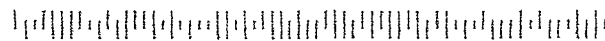
600 NE Grand Ave.
Portland, OR 97232

PRSR STD
US POSTAGE
PAID
PORTLAND OR
PERMIT NO 653

This area is one of 10 areas being proposed for expansion. To learn about the entire proposal, visit www.oregonmetro.gov/greatplaces.



RESIDENT
325 NW 334TH AVE
HILLSBORO OR 97124-3605



Why are you receiving this notice?

You are receiving this notice because it has been determined that your household is either within the **Cornelius East** proposed expansion area or within one mile of the **Cornelius East** proposed expansion area. This area is one of ten proposed expansion areas being considered for inclusion in the urban growth boundary.

Background

The Metro Council is considering adding land to the urban growth boundary to meet state requirements to provide a 20-year land supply of residential and employment land. Metro's charter requires the agency to prepare a report on the effect of urban growth boundary amendments greater than 100 acres in size on existing nearby residential neighborhoods and inform all households within one mile of the proposed expansion area.

The intent of the report is to set forth the likely impacts of future development on the existing adjacent residential neighborhoods within the urban growth boundary. A copy of the report for this proposed expansion area is available on Metro's website at www.oregonmetro.gov/greatplaces.

Areas added to the urban growth boundary need public services such as sewer, water, parks and transportation. The costs of providing these services vary with both the public sector (state, local and regional governments and service districts) and private developers providing funding. Since detailed cost estimates are not available at this time, Metro completed a general analysis that includes a simplified summary of how local governments fund their portions of development.

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Public hearings

The Metro Council will hold two public hearings on proposals to add land to the urban growth boundary. The Metro Council will consider public comments and staff recommendations as it makes a final decision about which land to add to the urban growth boundary.

Hearings will be held during the Metro Council meetings listed below. The hearings may begin later in the agenda and will last until all public comments have been heard. Agendas will be available one week in advance of the meetings at www.oregonmetro.gov/agenda or by calling 503-797-1540.

5 p.m. Thursday Oct. 6

Beaverton Library
12375 SW Fifth St., Beaverton
MAX light rail and TriMet bus 78

2 p.m. Thursday Oct. 20

Metro Council Chamber
600 NE Grand Ave., Portland
MAX light rail and TriMet bus 6

For more information

The report for the analysis area shown on the map above is posted on Metro's website at www.oregonmetro.gov/greatplaces. To request a printed copy of the full report, call 503-813-7577, send an email message to 2040@oregonmetro.gov or send a written request to Metro Planning and Development, 600 NE Grand Ave., Portland, OR 97232.



Give Metro your feedback
about this decision.
survey.optinpanel.org

