

 **Metro | Agenda**

Meeting: Metro Council
Date: Thursday, August 14, 2014
Time: 2:00 p.m.
Place: Metro, Council Chamber

REVISED 8/13/2014

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATION

3. CONSENT AGENDA

3.1 Consideration of Council Meeting Minutes for August 7, 2014.

3.2 **Resolution No. 14-4555**, For the Purpose of Appointing the Following Member to the Metro Policy Advisory Committee (MPAC): José Luis Nava as Washington County Citizen Alternate.

4. RESOLUTIONS

4.1 **Resolution No. 14-4536**, For the Purpose of Amending and Updating the Natural Areas Implementation Work Plan.

4.2 **Resolution No. 14-4545**, For the Purpose of Submitting to the Voters on November 4, 2014, the Question of Whether or Not to Retain Metro Charter Provision Chapter ii, Section 5 (4)(b).

4.3 **Resolution No. 14-4556**, For the Purpose of Approving the Willamette Falls Riverwalk Memorandum of Understanding with City of Oregon City, Clackamas County and State of Oregon.

5. CHIEF OPERATING OFFICER COMMUNICATION

6. COUNCILOR COMMUNICATION

**Kathleen Brennan
Hunter, Metro
Alison Kean, Metro**

**Hillary Wilton,
Metro**

**Martha Bennett,
Metro**

ADJOURN

AN EXECUTIVE SESSION WILL BE HELD IMMEDIATELY FOLLOWING THE PUBLIC HEARING PURSUANT TO ORS 192.660(2)(d), TO CONDUCT DELIBERATIONS WITH PERSONS DESIGNATED BY GOVERNING BODY TO CARRY ON LABOR NEGOTIATIONS.

Television schedule for August 14, 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, August 14, 2:00 p.m.</p>	<p>Portland Channel 30 – Portland Community Media <i>Web site:</i> www.pcmvtv.org <i>Ph:</i> 503-288-1515 <i>Date:</i> Sunday, August 17, 7:30 p.m. <i>Date:</i> Monday, August 18, 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 18, 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 16, 11 p.m. <i>Date:</i> Sunday, August 17, 11 p.m. <i>Date:</i> Tuesday, August 19, 6 a.m. <i>Date:</i> Wednesday, August 20, 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. 3.1

**CONSIDERATION OF COUNCIL MEETING MINUTES FOR
AUGUST 7, 2014.**

Consent Agenda

Metro Council Meeting
Thursday, August 14, 2014
Metro, Council Chamber

Agenda Item No. 3.2

Resolution No. 14-4555, For the Purpose of Appointing the
Following Member to the Metro Policy Advisory Committee
(MPAC): José Luis Nava as Washington County Citizen
Alternate.

Consent Agenda

Metro Council Meeting
Thursday, August 14, 2014
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPOINTING THE) RESOLUTION NO. 14-4555
FOLLOWING MEMBER TO THE METRO)
POLICY ADVISORY COMMITTEE (MPAC):) Introduced by Council President
JOSÉ LUIS NAVA AS WASHINGTON COUNTY) Tom Hughes
CITIZEN ALTERNATE.

WHEREAS, the Metro Charter, Chapter V, Section 26 (1) (m), provides that three citizen members of the Metro Policy Advisory Committee (MPAC) shall be appointed by the Council President and confirmed by the Metro Council and the MPAC Bylaws, Article III, Section 2(e) requires that alternates shall also be appointed and confirmed by the Metro Council: and

WHEREAS, the Council President has appointed José Luis Nava as citizen alternate for Washington County, subject to confirmation by the Metro Council; now, therefore,

BE IT RESOLVED that the Metro Council confirms the appointment of José Luis Nava as alternate to the Metro Policy Advisory Committee (MPAC).

ADOPTED by the Metro Council this 14th day of August 2014.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4555, FOR THE PURPOSE OF APPOINTING THE FOLLOWING MEMBER TO THE METRO POLICY ADVISORY COMMITTEE (MPAC): JOSÉ LUIS NAVA AS WASHINGTON COUNTY CITIZEN ALTERNATE.

Date: July 24, 2014

Prepared by: Jill Schmidt

BACKGROUND

Pursuant to the Metro Charter, Chapter V Section 26 (1) (m), the Metro Council President is tasked with the appointment of citizen representatives on the Metro Policy Advisory Committee (MPAC). Council President Tom Hughes has appointed one citizen alternate to serve on the committee: Mr. José Luis Nava. This resolution confirms this appointment.

Mr. José Luis Nava is the Executive Board Member of Centro Cultural de Washington County, Vice Chair of Washington County Citizens Action Network, Chair of Latino Leadership Network of Washington County, Vice Chair of Multnomah Groundwork, and Board member of Human Rights Council of Washington County. He has served on stakeholder committees throughout Washington County, including Beaverton, Cornelius, and Hillsboro. His education includes degrees in economics, personnel administration, industrial quality control, industrial engineering and architectural and mechanic design.

ANALYSIS/INFORMATION

1. **Known Opposition:** None

2. **Legal Antecedents:**

The Metro Charter V Section 26 (1) (m), provides that MPAC shall include three citizens appointed by the Council President and confirmed by the Council.

MPAC Bylaws, Article III, Section 2(e) requires that alternates shall be appointed and confirmed by the Metro Council.

MPAC by-laws specify that citizen appointments are to be for a term of not less than two years. Taking this into account, staff recommends that this appointment to MPAC be for a two-year term, commencing upon confirmation.

3. **Anticipated Effects:** New citizen alternate will be appointed to MPAC.

4. **Budget Impacts:** None.

RECOMMENDED ACTION

Staff recommends the adoption of Resolution No. 14-4555.

Agenda Item No. 4.1

Resolution No. 14-4536, For the Purpose of Amending and
Updating the Natural Areas Implementation Work Plan.

Resolutions

Metro Council Meeting
Thursday, August 14, 2014
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING AND) Resolution No. 14-4536
UPDATING THE NATURAL AREAS)
IMPLEMENTATION WORK PLAN) Introduced by Chief Operating Officer Martha
) Bennett in concurrence with Council
) President Tom Hughes

WHEREAS, in May 1995 regional voters approved a \$135.6 million Open Spaces, Parks and Streams bond measure (“1995 Open Spaces Bond Measure”);

WHEREAS, In November 2006 regional voters approved a \$227.4 million Natural Areas Bond Measure (“2006 Natural Areas Bond Measure”); and

WHEREAS, in Resolution No. 95-2228A the Metro Council approved the Open Spaces Implementation Work Plan, “For the Purpose of Authorizing the Executive Officer to Purchase Property with Accepted Acquisition Guidelines as Outlined in the Open Spaces Implementation Work Plan.” The Open Spaces Implementation Work Plan, as subsequently amended, provided the framework within which implementation activities for the 1995 Open Spaces Bond Measure and preliminary work for the 2006 Natural Areas Bond Measure proceeded; and

WHEREAS, in Resolution No. 07-3766A the Metro Council approved the Natural Areas Implementation Work Plan, “Authorizing the Chief Operating Officer to Purchase Property with Accepted Acquisition Guidelines as Outlined in the Natural Areas Implementation Work Plan.” The Natural Areas Implementation Work Plan revised certain portions of the Open Spaces Implementation Work Plan to respond to changed market conditions and the goals of the 2006 Natural Areas Bond Measure; and

WHEREAS, Metro staff determined it appropriate to review the applicable portions of both the Open Spaces Implementation Work Plan and the Natural Areas Implementation Work Plan to consider whether the work plans remain relevant, accurate, and reflective of the best practices;

WHEREAS, Metro staff, with the support of the Natural Areas Oversight Committee, now proposes an Amended and Restated Natural Areas Implementation Work Plan, which plan consolidates the previous work plans and provides a more comprehensive framework within which implementation activities for the 2006 Natural Areas Bond Measure should continue; now therefore

BE IT RESOLVED, that the Metro Council hereby adopts the Amended and Restated Natural Areas Implementation Work Plan, a copy of which is attached hereto as Exhibit A.

ADOPTED by the Metro Council this 14th day of August 2014.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney



Natural Areas Work Plan

August 2014

About Metro

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

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

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Metro Council President

Tom Hughes

Metro Councilors

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Sam Chase, District 5

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Auditor

Suzanne Flynn

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Appendix A: Refinement

Appendix B: Stabilization

INTRODUCTION

On November 7, 2006, voters in the metro region approved a \$227.4 million bond measure (“the 2006 Natural Areas Bond Measure”) directing Metro to purchase natural areas, and land for parks and streams. The 2006 Natural Areas Bond Measure is modeled after the \$135.6 million bond measure approved by the region’s voters in 1995 (the “1995 Open Spaces, Parks and Streams Bond Measure”).

The Open Spaces Implementation Work Plan, approved by the Metro Council in 1997, was initially developed to support the 1995 Open Spaces, Parks and Streams Bond Measure. The Open Spaces Implementation Work Plan has since been used to support the 2006 Natural Areas Bond Measure, although the Acquisition Parameters and Due Diligence Guidelines sections were revised in 2006.

Nearly two decades after its adoption, it was appropriate to re-evaluate the Open Spaces Implementation Work Plan. Based on the recommendations of the Natural Areas Oversight Committee, this document provides a revised framework under which 2006 Natural Areas Bond Measure implementation activities shall continue to proceed.

REFINEMENT

Definition

“Refinement” is the public process whereby Metro adopts approximate geographical boundaries and objectives for each target area and trail project, and identifies specific properties for acquisition.

Rationale

A refinement process is necessary for each of the 27 target area sites and trail projects because the amount of land available in each target area exceeds the dollars available for purchase, or in the case of trails, the exact alignment of the trail is not known. In addition, the process allows public comment and involvement in the prioritization of bond monies.

Process

As provided in the 2006 Natural Areas Bond Measure, Metro undertook a public refinement process to establish specific acquisition strategies, goals, and objectives, resulting in confidential tax-lot specific acquisition target maps for each of the 27 target areas. Metro’s refinement process included the compilation of available information about each target area; biological field visits and expert analysis of maps; interviews with key stakeholders including natural resource experts, property owners, representatives from state and local government agencies, and advocates from water quality, fish, and wildlife preservation groups; and multiple public open houses where draft refinement plans were made available for public review and participants could share their target-area priorities.

In the fall of 2007, after first reviewing the draft refinement plans and considering information from citizens, scientists, advocates, and state and local governments, the Metro Council adopted individual refinement plans for each of the 27 target areas. The resolution references for each target area refinement plan are set forth in Appendix A.

ACQUISITION PARAMETERS

Definitions

"Acquisition Parameters" are the Council-approved criteria and conditions under which the Metro Chief Operating Officer or his/her designees (hereafter referred to as the "COO") are authorized to negotiate and complete real property acquisitions without further Council review and approval. The COO may complete an acquisition transaction that does not meet all of the acquisition parameters only with prior Council review and approval.

"Real property acquisitions" are Metro's purchase or acceptance of donations (or a combination) of any type of real property interest, including fee title, easements, or conservation easements, among others.

"Trail acquisitions" are real property acquisitions where the ultimate use of the real property interest is intended for construction of an off-street, non-motorized trail.

Rationale

The creation of pre-approved acquisition parameters permits Metro to deal with willing sellers in a timely and business-like manner and allow the Council to focus on policy level issues.

Intent

Metro intends to pay fair market value for property interests it acquires, it being acknowledged, however, that the Metro area real estate market is dynamic and the process of identifying fair market value is not exact. Metro's acquisition process should provide as much flexibility as possible to achieve the goals of the Natural Areas Bond Measure and to reflect the actual market conditions affecting the fair market value of properties targeted for natural areas acquisition.

General Acquisition Parameters

The Metro Council authorizes the COO to negotiate and close real estate acquisition transactions related to the 2006 Natural Areas Bond Measure provided all of the following criteria/conditions are met:

- The owner is a willing seller.
- The property is (a) identified on a Council-adopted target area "confidential refinement map" or (b) contiguous to property owned by Metro or by another public park-providing or conservation agency within the greater Metro region.
- The Real Estate Negotiator and a stabilization team representative have inspected the property, and the Natural Areas Program Director has approved the purchase.
- If the property is identified as Agricultural Resource Land in the Refinement Plan adopted for the applicable target area, then Metro has complied with the Agricultural Resource Land Guidelines, as specifically refined by the applicable Refinement Plan for the target area in which the property is located.
- "Due diligence" has been completed in conformance with the due diligence section of this Work Plan and no unusual circumstances have been found to exist.

- The negotiated purchase price for the property is either:
 - Equal to or less than \$50,000; or
 - Not more than 10% or \$100,000, whichever is greater, above the fair market value as established by the appraisal process described below, and the COO has authorized acquisition of the property at such price after finding that acquisition of the property at the negotiated purchase price is in the “public interest”. In order to conclude that such a purchase is in the public interest, the COO must conclude that:
 - The failure to acquire the property will significantly compromise Metro’s ability to achieve the goals described in the applicable adopted Refinement Plan for that target area; and
 - The purchase will not reduce the amount of funds available to purchase other critical, high priority target properties in a manner that will significantly compromise Metro’s ability to achieve the goals described in the applicable adopted Refinement Plan for that target area.
- In addition, the COO shall also consider the following factors before concluding that such a purchase is in the public interest:
 - Whether there are immediate and known competing offers or other market pressures that put Metro at risk of permanently losing the opportunity to purchase and preserve the property unless Metro agrees to pay the negotiated purchase price; and
 - Whether any other parties are making financial contributions toward the purchase price.
 - With respect to trail acquisitions, whether additional compensation is reasonable to compensate the owner for the impacts of trail development (often related to security and privacy).
- If the property is for a trail acquisition, such acquisition shall be evaluated to determine if future federal funding for design and construction is potentially possible. If federal funding is possible, in order to safeguard eligibility for this funding, Metro staff will adhere to the trail acquisition guidelines as required by the Oregon Department of Transportation, and updated from time to time to ensure compliance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (the “Uniform Act”) and with Oregon law (ORS 35.510). When agreed to by the local jurisdiction in which the trail will be located, built, and maintained, Metro may assign its interest in the trail property (or its interest in the underlying purchase agreement) at closing to such local jurisdiction.

Appraisal Process

Initial Appraisal

An independent certified appraiser has completed an appraisal of the property interest being acquired, stating a conclusion of the fair market value of the property or, if appropriate, a range of value. The appraisal may be in a summary report format. For trail acquisitions, if federal funding is contemplated, the appraisal should generally comply with the federal acquisition appraisal guidelines. The appraisal may not contain any “extraordinary assumptions” that materially influence the conclusion of the property’s fair market value.

Appraisal Review

A certified appraiser has completed a review of the appraisal if either (1) the property's purchase price is \$400,000 or more, (2) the Office of the Metro Attorney determines that such an appraisal review is appropriate under the circumstances of a particular proposed acquisition, or (3) the property is a trail acquisition and an appraisal review is required in order to comply with federal acquisition appraisal guidelines. Such appraisal review shall be completed in accordance with the Uniform Standards of Professional Appraisal Practice ("USPAP") or equivalent general appraisal standards (e.g. the Oregon Department of Transportation's or federal yellowbook appraisal guidelines) and may include a determination of an acceptable range of value for the property by the review appraiser. If the review appraiser determines that the appraisal does not meet USPAP or other general appraisal standards, the Office of Metro Attorney may either (a) direct the review appraiser to work with the initial appraiser to correct the deficiencies, (b) direct the review appraiser to make a final determination of an acceptable range of value for the property or (c) order a second appraisal to be completed in accordance with the initial appraisal guidelines set forth above (which second appraisal need not be reviewed).

Appraisal Conflicts

If any appraisal review (or any second appraisal) concludes a fair market value determination below than that of the initial appraisal, the Natural Areas Program Director shall have the discretion to make a reasonable determination of the fair market value. Such determination shall be based on the information in the two conflicting appraisals, which shall not be more than the average of the two appraisals.

Notices and Reports to Council Regarding Completed Transactions

The Natural Areas Program Director shall notify the Council promptly following the closing of any real property acquisition. The COO shall prepare and present to the Council quarterly updates summarizing acquisition activity distinguished by target area.

DUE DILIGENCE

Definition

"Due diligence" is the systematic inspection of the legal title and physical condition of the property being acquired to assure protection of the public investment. Due diligence should be conducted in advance of closing so that resolvable problems can be adequately addressed prior to closing.

Components

The primary areas of due diligence are described below. A more detailed list of items examined may be found in Terramet. The Office of the Metro Attorney may amend the checklist as determined necessary.

The Due Diligence Team for acquisitions is comprised of the Real Estate Negotiator, Metro Attorney staff, Stabilization Scientist, and in the case of a trail acquisition, an assigned planner.

Appraisal

An appraisal of the property must be completed to determine the property's fair market value and provide other useful information about the property. The appraisal shall be in the format described in the previous section regarding acquisition parameters and shall be reviewed in the manner set forth therein. Notwithstanding the foregoing, the Metro Council authorizes the COO to close acquisition transactions without first obtaining an appraisal in situations where the purchase price is equal to or less than \$50,000.

Examination of Title

- Metro must satisfy itself that the seller has the authority to sell the property, understand what rights will be conveyed, ensure that all parties necessary for the conveyance are involved, and make certain that any property interests/rights that are not a part of the transaction will not defeat the purpose of the acquisition.
- Due diligence requires the review and inspection of the title report and related documents, including the deed to the current owner, recorded easements and other encumbrances, water rights, access rights, taxes, liens, etc.
- Other documents that need to be inspected include unrecorded leases with existing tenants or farmers, management agreements, records pertaining to personal property included in the sale, surveys, and any other agreements the seller may have entered into that may not be of record but will bind Metro after closing.

Property Inspections

Location of Boundaries. Due diligence requires the review of any existing survey of the property. Absent a recent survey, Metro should identify the known or assumed property boundaries on site. If such boundary identification is not apparent, a survey will be conducted if deemed necessary by the Due Diligence Team. Additionally, Metro must confirm whether legal and physical access to the property exist and are usable. Legal and physical access by the public will be secured unless the nature of the property is such that access restrictions are acceptable for that property.

Physical Inspection. Metro must physically inspect the property (1) for environmental assessment purposes, (2) to identify possible hazards, unrecorded easements and trespassers, (3) to determine appropriateness of the property for Metro's intended use, and (4) to make a preliminary evaluation of the condition of any structures and improvements (roads, fences, utilities, etc.) that could impact the Stabilization and Long Term Management period. Any encroachments, potential property boundary disputes, or unrecorded uses of the property identified must be resolved prior to closing if deemed necessary by the Property Due Diligence Team.

The Metro Council authorizes the COO to execute and grant easement and/or license agreements for non-park uses or complete minor property line adjustments ("PLA") after closing provided all of the following criteria/conditions have been met:

- The agreement or PLA is for an encroachment or boundary issue that existed at the time Metro acquired the property;
- The easement/license agreement form or PLA has been reviewed and approved by the Office of Metro Attorney; and

- The issue cannot be easily resolved without a formal written agreement or PLA between the parties (such as by removing the encroachment, for example).

Environmental Review

Metro shall contract with an environmental professional to conduct a Phase I Environmental Assessment in accord with the requirements of the federal All Appropriate Inquiries and in accord with applicable state of Oregon law and regulation, for the purpose of establishing the Innocent Landowner Defense pursuant to CERCLA section 101(35) and 107(b)(3). Notwithstanding the foregoing, a Phase I Environmental Assessment is not required for the acquisition of non-possessory real estate interests unless (a) the Office of the Metro Attorney determines that a such assessment is advisable for a particular acquisition based on information learned in the course of its due diligence, or (b) such assessment is required by the local jurisdiction to which Metro will assign its property interest, such as a trail easement, at closing.

If the Phase I Environmental Assessment identifies a “recognized environmental condition,” Metro shall obtain a Phase II Environmental Assessment (which may include soil and groundwater sampling and testing, in accord with ASTM Standards), unless deemed unnecessary by the Office of Metro Attorney after finding such condition presents minimal liability risk to Metro.

The COO may authorize the expenditure of Natural Area Program bond funds to remediate environmental contamination identified on a property by a Phase II Environmental Assessment and such contamination will not be considered an “unusual circumstance” as described in this work plan, provided that the COO has concluded that such expenditure is reasonable in relation to the value of such property, and

- If the clean up occurs prior to closing, such expenditure will result in either receipt of a "No Further Action" letter, or a substantial equivalent, from the Oregon Department of Environmental Quality (“DEQ”), or substantial elimination of the probability of future environmental liability to Metro, based on information provided in the Phase II Environmental Assessment; or
- If the clean up occurs after closing, receipt of a “Prospective Purchaser Agreement”, or its substantial equivalent, from DEQ.

Unusual Circumstances

If, in the course of due diligence, the Due Diligence Team discovers any unusual deed or title restrictions, encumbrances, or environmental conditions that may prohibit or unduly restrict Metro's ability to use the property as a natural area or trail or that may create a liability to Metro, such restrictions, encumbrances, or conditions shall be considered "unusual circumstances." As provided for in the acquisition parameters section of this Work Plan, the COO may not complete acquisition of property with such unusual circumstances without first obtaining the Metro Council's approval.

Document Retention

Documents related to acquisitions shall be retained in accordance with Oregon law and as otherwise determined appropriate by the Office of Metro Attorney.

STABILIZATION

Definition

“Stabilization” consists of the initial actions exercised after the purchase of a property that are required to put the property into the condition for which it was purchased. These actions include preventing further degradation of natural resource values, protecting property security, and minimizing health and safety risks. Stabilization tasks will generally be one-time actions except in cases where conditions require multiple actions to stabilize degrading conditions. Examples of one-time stabilization actions include surveying and posting property boundaries, removing or repairing structures, or replacing damaged culverts. Examples of stabilization tasks requiring multiple actions are those needed to address degrading ecological function on a property, such as weed control and reforestation, or stream bank stabilization.

Components/Process

Preliminary stabilization issues will be identified by the stabilization staff (typically a property management specialist, a natural resources scientist, and a natural resources technician) as part of due diligence prior to acquisition of a property.

A “Desired Future Condition” site walk will be conducted after closing with the stabilization team and the long-term management team. This site walk will confirm the Desired Future Condition and the actions needed to stabilize the property. The stabilization actions are intended to put the property in a condition compatible with the long term management goals for the site so that the Desired Future Condition is reached and the property is not degrading.

The stabilization team will prepare a stabilization plan for each property within six months of acquisition. The plan will be reviewed and approved by a land management team comprised of the Science and Stewardship Manager, the Natural Areas Land Manager, the Finance Manager, and the Natural Areas Program Manager. The stabilization plan will be stored on Terramet or another location easily accessible to staff. Revisions to the stabilization plan necessitated by new information from further property investigations will also be reviewed and approved by the land management team and filed in Terramet.

A template for the stabilization plan, listing all routine stabilization actions, is included in the Appendix. The land management team may amend the stabilization plan template as determined necessary or appropriate, in their discretion.

Stabilization actions identified in the stabilization plan shall be implemented as soon as possible relative to the conditions on the ground. For example, gates and property boundary surveys that are not dependent on time of year, weather, or deeper understanding of ecological conditions, should generally be implemented within 60 days of acquisition. Actions needed to address the degradation of water quality or wildlife habitat shall be implemented after further investigation of the physical conditions of the property, but generally will be initiated within six months of acquisition. Each stabilization action should have a benchmark for determining when stabilization has been met. Most stabilization actions will be completed within two years. However, actions such as reforestation may generally require three to five years to complete.

Upon completion of the stabilization work, the property will move from the stabilization stage to long term management stage. The stabilization team and the long term management team shall review the property when it moves to long term management to identify any on-going needs or unusual property conditions. Properties will generally move to the long term management stage only after all stabilization activities are complete. A minor amount of stabilization work related to ensuring re-planted areas are stable may continue but under the management of the long term management team.

Cost estimates

Stabilization costs will vary from property to property, depending on property conditions at the time of acquisition or the provisions of the site specific purchase agreement. The rationale for all costs shall be documented in a stabilization plan and shall be covered by Natural Areas Bond Measure funds.

LONG TERM MANAGEMENT

Definition

“Long term management” is the set of activities intended to maintain a given property in a stable condition. Long term management costs are influenced by a variety of factors which include:

- Size of parcels
- Geographical distribution of parcels
- Surrounding land uses
- Traditional or “informal” uses
- Type of structure(s) (if any) on sites
- Interim public use policy
- Historical land use practices (e.g. agriculture or timber)

Components

The long term management team includes the assigned Natural Resources Scientist and the Natural Resources Technician for each property, with oversight from the Land Manager and Science and Stewardship Manager. Long term management activities reasonably expected for newly acquired lands include:

- Enforcement of park related rules and regulations
- Maintenance of fencing, gates, and signs
- Hazard mitigation
- Nuisance abatement
- Resource monitoring
- Monitoring structures
- Contract administration (potential life estates or other interim use arrangements, such as agricultural leases)
- Vegetation management (e.g. maintenance of invasive plants)
- Resolution of encroachments
- Resolution of property line disputes

Agricultural Leases

Agricultural leases are an effective interim management tool and can provide many benefits to Metro beyond generating rental income. Perhaps most notably, agricultural leases ensure that the farmland will be continually cultivated, which corresponds with good farmland management. Long term leases (defined as those with a duration of more than one year) are often necessary for a lessee to implement sustainable farming practices. A long term lease is often required for a lessee to realize a return on its investment and have security about its ongoing operations. Long term lease commitments also reinforce Metro's support of the local agricultural community while providing stable tenants and rental income for Metro.

The Metro Council authorizes the COO to execute agricultural leases of more than one year provided all of the following criteria/conditions have been met:

- The proposed lease complements Metro's natural resources stewardship management goals and objectives;
- The proposed lease does not conflict with anticipated future uses of the property;
- The proposed lease term, including options to renew, does not exceed a total of 10 years.
- The Natural Areas Program Director has approved the lease, and the Office of Metro Attorney has reviewed and approved the lease form.

LOCAL SHARE

Definition

"Local Share" is the portion of 2006 Bond Measure funds to be passed through to local park providers for neighborhood and community scale greenspace projects as described in the bond measure. The local share program allows flexibility for each community to meet its own needs, and offers citizens improved access to nature in neighborhoods all across the region.

Components

Twenty-eight (28) local park providers in the region are eligible to receive funds from Metro's 2006 Natural Areas Bond Measure to carry out local greenspace and trails projects. A list of local share projects approved by the governing board of each jurisdiction is set forth in the 2006 Bond Measure. The Metro Council may establish a formal process providing for the substation of new projects where appropriate as long as the proposed new project is consistent with the Bond Measure.

Intergovernmental Agreements

Pursuant to the Metro Council's direction as set forth in Resolution No. 07-3780, each local park provider has entered into an Intergovernmental Agreement (IGA) with Metro outlining the local share bond measure requirements and maximum amount of local share funds allocated to each jurisdiction.

NATURE IN NEIGHBORHOODS CAPITAL GRANTS PROGRAM

Definition

The "Nature in Neighborhoods Capital Grants Program" is the portion of 2006 Bond Measure funds allocated to fund a grant program intended to increase the natural features and the ecological function and water quality of public lands in neighborhoods. The Nature in Neighborhoods Capital Grants Program provides local organizations and public entities with additional funds for land acquisition and projects that protect and enhance natural resources in the urban environment.

Components

The Nature in Neighborhoods Capital Grant Program Detail, attached as Exhibit C to the 2006 Bond Measure (Resolution No. 06-3672B), sets forth certain criteria intended to provide guidance to the grant selection committee appointed by the Metro Council. The Nature in Neighborhoods Capital Grant Handbook, as updated from time to time, provides additional guidance.

APPENDIX A

2006 Bond Measure Target Areas & Resolutions List

- 07-3833 Forest Park Connections
- 07-3834 Rock Creek Headwaters and Greenway
- 07-3835 Westside Trail
- 07-3836 Cooper Mountain
- 07-3837 Fanno Creek Linkages
- 07-3838 Tryon Creek Linkages
- 07-3839 Stafford Basin
- 07-3840 Columbia Slough
- 07-3841 Springwater Corridor
- 07-3842 Sandy River Gorge
- 07-3843 Clear Creek
- 07-3844 Killin Wetlands
- 07-3845 Gresham-Fairview Trail
- 07-3846 Clackamas River Bluffs and Greenway
- 07-3847 Abernethy and Newell Creeks
- 07-3848 Lower Tualatin River Headwaters
- 07-3849 Tualatin River Greenway
- 07-3850 Tonquin Geologic Area
- 07-3851 Johnson Creek and Watershed
- 07-3852 East Buttes
- 07-3853 Deep Creek and Tributaries
- 07-3854 Cazadero Trail
- 07-3855 Dairy and McKay Creeks Confluence
- 07-3856 Wapato Lake
- 07-3857 Chehalem Ridgetop to Refuge
- 07-3858 Willamette Narrows and Canemah Bluffs
- 07-3859 Willamette River Greenway

APPENDIX B

Stabilization Plan Template

Template for Stabilization Plan
Prepared by XX
Date

Example: Preliminary identification of conservation targets, critical KEAs and significant threats:

Target	Critical KEAs	Threats	Comments
Upland forest-minor component of oak.	Standing dead and down trees	Competition from native vegetation	This is a dry-site Douglas-fir stand with a minor component of oak. Forest health could be enhanced with strategic thinning to benefit larger Douglas fir, create gaps, release Oregon white oak on edges, and create snags and down wood
Oregon white oak woodland habitat	xx	xx	xx
Tualatin River bottomland ash/pacific willow forest	xx	xx	xx

Example: Stewardship classifications

1. Oak woodland 1 (OW1):
2. Wetland (bottomland hardwood forest) 3: (W3)
3. Upland forest 3 (UF3):

Example: Invasive species

Invasive species if left uncontrolled can significantly reduce habitat quality by decreasing diversity, reducing food and cover for native fauna. Invasive plants are most economically treated before they become the dominant species on a site.

Invasive species	Acres	Treatment type	Initiate treatment	Re-treat date*	Re-veg date	Stabilization Benchmark
Blackberry	20	Mow, cut, and spray	2013	2013-2015	2013-2014	<1 % cover of blackberry
Weed XX						

*Species specific treatments, only as needed

Example: Property and infrastructure stabilization actions

Property and Infrastructure	Description	Action	Benchmark
Gates	None present	Install gate to control access on new access road.	Functioning gate
Fences	Boundary fences exist, some in degraded condition.	Remove fences where not needed for access control to improve wildlife movement. Repair fences as needed for access control.	Fences removed or repaired.
Structures			
Roads			
Culverts			
Boundaries			
Hazard trees			
Developed spring			
Encroachments			
Dumping issues			

Example: Water quality and habitat conservation

Habitat	Acres	Description	Action	Date	Stabilization Benchmark
Oregon white oak woodland	10	This unit is composed of a remnant Oregon white oak savanna overgrown with Armenian blackberries and scattered fruit trees. Although there are a few large Douglas fir trees competing with the oaks, the dense blackberry layer limited Douglas fir establishment.	Control non-native plants. Release strategic oaks. Continue weed control until seedlings are free to grow. Douglas-fir will continue to re-establish. Over time, stand will become more dominated Douglas-fir	2013-2017	Native plant community effectively occupying 98% or more of the unit
Bottomland Oregon ash/Pacific willow	xx	This habitat is in fair condition but due to significant reed canarygrass levels recruitment of seedlings is essentially zero, shrub diversity is low, and conditions are deteriorating.	Implement targeted control of RCG through mowing and spraying. Plant ash and shrubs in patches at high densities.	2013-2017	Seedlings are free-to-grow*
Douglas-fir upland forest	xx				

* Re-vegetation work is necessary on any areas currently dominated by non-native plants or disturbed sites. Re-vegetation sites routinely require 3-5 years to reach free-to-grow condition. Free-to-grow means the native plant are no longer threatened by non-native plant competition (assuming routine maintenance).

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4536, FOR THE PURPOSE OF AMENDING AND UPDATING THE NATURAL AREAS WORK PLAN

Date: August 7, 2014

Prepared by: Kathleen Brennan-Hunter, 503-797-1948

BACKGROUND

Nearly 20 years ago, voters passed the 1995 Open Spaces, Parks and Streams Bond Measure (“1995 Bond Measure”), which authorized Metro to issue up to \$135.6 million in general obligation bonds for the protection of open spaces, parks, and streams. The Open Spaces Implementation Work Plan (“Open Spaces Work Plan”) provided the framework for implementation of the 1995 Bond Measure activities.

In 2006, voters again directed Metro to acquire property through the 2006 Natural Areas Bond Measure (“2006 Bond Measure”) for the protection of natural areas, to improve water quality, and protect fish and wildlife habitat. The Open Spaces Work Plan has continued to support the 2006 Bond Measure, although the *Acquisition Parameters* and *Due Diligence Guidelines* sections were replaced in 2007 by the Natural Areas Implementation Work Plan (“Natural Areas Work Plan”), and the Metro Council has approved various Natural Areas resolutions over the past eight years, essentially, updating and amending the Work Plan in pieces. As of July 2014, Metro has acquired approximately 136 properties with 2006 Bond Measure funds. All such acquisitions have been made in accordance with the directives set forth in the Open Spaces Work Plan and the Natural Areas Work Plan (together referred to herein as the “Work Plan”).

At this time, Metro staff decided to review the entirety of the Work Plan, including the additional resolutions, and consider whether it remains relevant, accurate, and reflective of the best practices Metro is using on the ground today, or if improvements could be made. Staff consulted not only with the Office of Metro Attorney but also with the Natural Areas Oversight Committee on several occasions for recommendations and feedback. The Oversight Committee felt strongly that it is important to give the program a bit more negotiating flexibility in order to achieve the acquisition and stabilization goals of the 2006 Bond Measure.

As a result of that review, Metro staff, with the support of the Natural Areas Oversight Committee, now proposes global revisions to the Work Plan, which revisions are intended to (1) integrate the Open Spaces Work Plan and the Natural Areas Work Plan into one document, and (2) incorporate in the various amendments made by Council Resolutions over the last eight years, and (3) amend and update the Work Plan to reflect changed market conditions. The proposed Amended and Restated Natural Areas Implementation Work Plan (the “Amended and Restated Work Plan”) is attached as Exhibit A to the Resolution.

A summary of the updates contained in the Amended and Restated Work Plan is set forth below:

- 1) Acquisition of Properties not on Refinement Map: Currently the Work Plan allows the COO to acquire properties not on the refinement map, provided such properties (a) are adjacent to property owned by Metro or another public parks-providing or conservation agency and (b) have a purchase price of \$5,000 or less. The Amended and Restated Work Plan would remove the \$5,000 acquisition price cap.
- 2) Purchases Not Requiring an Appraisal: Currently the Work Plan allows the COO to purchase properties for \$5,000 or less without obtaining an appraisal. The Amended and Restated Work Plan would allow the COO to purchase properties for \$50,000 or less without obtaining an appraisal.

- 3) Acquisitions that Require an Appraisal Review: Currently the Work Plan requires an appraisal review be obtained if the purchase price is over \$250,000. The Amended and Restated Work Plan would only require an appraisal review if the purchase price is over \$400,000.
- 4) Appraisal Conflicts: Currently the Work Plan states that in the event the review appraisal concluded a different fair market value than the initial appraisal, the review appraisal value conclusion will be used. The Amended and Restated Work Plan would authorize the Natural Areas Program Director to conclude the fair market value based on the information provided in the two appraisals, provided that the value concluded could not exceed the average of the two appraisal reports.
- 5) When Purchase Price Exceeds Appraised Value: Currently the Work Plan authorizes the COO to acquire a property at a price up to 10% above appraised value, or \$100,000 above appraised value, whichever is less. The Amended and Restated Work Plan would authorize the COO to acquire property at a price up to 10% above appraised value, or \$100,000 above appraised value, whichever is more.
- 6) Encroachments and Boundary Issues: The Amended and Restated Work Plan would authorize the COO to execute and grant easements or license agreements for non-park uses after closing if the agreement is for an encroachment or boundary issue that (a) existed at the time Metro purchased the property, (b) the easement form and agreement have been reviewed and approved by the Office of Metro Attorney, and (c) the issue cannot be easily resolved without a formal written agreement between the parties.
- 7) Situations Requiring a Phase II Environmental Assessment: The current Work Plan requires Metro to obtain a Phase II environmental assessment if the Phase I environmental assessment identifies any “recognized environmental conditions”. The Amended and Restated Work Plan keeps this language but adds that a Phase II shall not be required if the Office of Metro Attorney deems it unnecessary after finding that such identified condition presents minimal liability risk to Metro.
- 8) Expenditure of Bond Funds on Environmental Cleanup: The Amended and Restated Work Plan clarifies the existing Work Plan. The Amended and Restated Work Plan states that the COO may authorize the expenditure of bond funds to remediate environmental contamination identified on a property by a Phase II environmental assessment, provided the COO has concluded such expenditure is reasonable in relation to the value of such property, and (i) if the cleanup is completed prior to closing, such expenditure will result in either the receipt of a No Further Action letter from Oregon Department of Environmental Quality (“DEQ”) or substantial elimination of the probability of future environmental liability to Metro, or (ii) if the cleanup occurs after closing, it results in the receipt of a “Prospective Purchaser Agreement” or equivalent from DEQ. The Amended and Restated Work Plan also clarifies that in these situations, such contamination will not be considered an “unusual circumstance” as described in the Work Plan.
- 9) Long Term Management: Although the current Work Plan briefly addresses the concept of “land banking”, the program has evolved and land banking has been replaced with active land management. The Amended and Restated Work Plan would replace the “land banking” section with a “long term management” section, and specifically authorize the COO to enter into agricultural leases of up to 10 years, provided certain criteria are met.
- 10) Stabilization: The Amended and Restated Work Plan updates the Stabilization section to include current stabilization components, processes and best practices.

Staff proposes the Metro Council adopt the Amended and Restated Natural Areas Implementation Work Plan. Adoption of the Amended and Restated Natural Areas Implementation Work Plan will allow staff to more effectively and efficiently protect of natural areas, improve water quality, and protect fish and wildlife habitat, in accordance with the goals of the 2006 Natural Areas Bond Measure.

ANALYSIS/INFORMATION

1. Known Opposition

None known.

2. Legal Antecedents

Resolution 94-2011A: “For the Purpose of Submitting to the Voters a General Obligation Bond Indebtedness in the Amount of \$138.80 million to Proceed with the Acquisition of Land for a Regional System of Greenspaces.”

Resolution 95-2228A: “For the Purpose of Authorizing the Executive Officer to Purchase Property With Accepted Acquisition Guidelines as Outlined in the Open Space Implementation Work Plan.”

Resolution 96-2424: “For the Purpose of Authorizing the Executive Officer to Purchase Property With Accepted Acquisition Guidelines As Outlined in the Amended Open Space Implementation Work Plan.”

Resolution 97-2483: “For the Purpose of Authorizing the Executive Officer to Execute Current and Future Leases Related to Metro’s Open Spaces Property Acquisitions”

Resolution 01-3106: “For the Purpose of Modifying the Open Spaces Implementation Work Plan And Open Spaces Acquisition Regional Target Area Refinement Plans to Direct Future Acquisition of Properties that Satisfy Specific Identified Criteria.”

Resolution 06-3627B: “For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection.”

Resolution 07-3766A: “Authorizing the Chief Operating Officer to Purchase Property With Accepted Acquisition Guidelines as Outlined in the Natural Area Implementation Work Plan.”

Resolution 08-3963: “Amending the Natural Areas Implementation Work Plan to Authorize the Chief Operating Officer to Acquire Certain Properties When the Purchase Price is Equal to Or Less Than \$5,000.”

Resolution 10-4122: “For the Purpose of Amending the Natural Areas Implementation Work Plan to Authorize the Chief Operating Officer to More Efficiently Acquire and Assign Trail Easements.”

3. Anticipated Effects

Authority has previously been provided to the Chief Operating Officer to purchase real property within accepted guidelines of the Open Spaces Implementation Work Plan and the Natural Areas Implementation Work Plan. The proposed Resolution recommends the adoption of an Amended and Restated Natural Areas Implementation Work Plan, which is very similar to the Work Plans currently being used, such that the anticipated effects of this action shall mostly involve minor adjustments in staff action but shall not represent a substantial change in procedure.

4. Budget Impacts

All acquisitions have been and will continue to be completed using 2006 Bond Measure funds and the small remaining amount of 1995 bond measure funds.

RECOMMENDED ACTION

Staff recommends the adoption of Resolution No. 14-4536.

Agenda Item No. 4.2

Resolution No. 14-4545, For the Purpose of Submitting to the Voters on November 4, 2014, the Question of Whether or Not to Retain Metro Charter Provision Chapter ii, Section 5 (4)(b).

Resolutions

Metro Council Meeting
Thursday, August 14, 2014
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF SUBMITTING TO THE)	RESOLUTION NO. 14-4545
VOTERS ON NOVEMBER 4, 2014, THE)	
QUESTION OF WHETHER OR NOT TO RETAIN)	Introduced by Chief Operating Officer Martha
METRO CHARTER PROVISION CHAPTER II,)	Bennett in concurrence with Council
SECTION 5 (4)(b))	President Tom Hughes
)	

WHEREAS, on September 7th, 2000 the Metro Council passed Resolution No. 00-2988 (“For the Purpose of Submitting to the Voters on May 21, 2002, an Amendment to the Metro Charter Titled ‘Prohibits, Repeals Metro Housing Density Requirements; requires Notice; and Amends Charter’”); and on February 14, 2002 the Metro Council passed Resolution No. 02-3163 (“For the Purpose of Submitting to the Voters an Amendment to the Metro Charter Requiring Protection of Existing Single Family Neighborhoods, Cost Impact Statements Regarding Urban Growth Boundary Amendments, and Notice to Affected Neighborhoods”); submitting to the voters of the region at the May 21, 2002 primary election a ballot measure amending the Metro Charter, Chapter II, Section 5 subsection (4)(b) of the Metro Charter, which amendment was adopted by the region’s voters in 2002;

WHEREAS, the amended Charter provision includes a footnote sunsetting the provision on January 1, 2016 unless affirmatively retained by public vote at the general election in 2014; and

WHEREAS, pursuant to this Charter provision requirement and Metro Code Chapter 9.02, the Metro Council must submit the measure to the voters in the November 2014 election; now therefore

BE IT RESOLVED by the Metro Council that:

1. The Metro Council hereby submits to the qualified voters of the Metro district the question of whether or not to retain the Metro Charter provision set forth in Charter Chapter II, Section 5, subsection (4) (b) as set forth in Exhibit “A”; and
2. Directing that the measure, be placed on the ballot for the General Election to be held on November 4, 2014; and
3. Directing that this measure, the Ballot Title as set forth in Exhibit B, and the Explanatory Statement as set forth in Exhibit C, be submitted to the Multnomah County Elections Officer and the Oregon Secretary of State for inclusion in the region’s voters’ pamphlets published for the election in a timely manner as required by law.

ADOPTED by the Metro Council this 14th day of August 2014.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

Metro Charter Chapter II, Section 5, subsection (4)(b)

(4) Protection of Livability of Existing Neighborhoods.

...

(b) Density Increase Prohibited. Neither the Regional Framework Plan nor any Metro ordinance adopted to implement the plan shall require an increase in the density of single-family neighborhoods within the existing urban growth boundary identified in the plan solely as Inner or Outer Neighborhoods.¹

- 1 (a) Subsection 4(b) of Section 5 of the Metro Charter is repealed on June 30, 2031 unless at the general election held in 2030, a majority of the electors voting on the question of whether or not to retain Subsection 4(b) of Section 5 of the Metro Charter as part of the Metro Charter vote to retain the subsection. If the electors vote to retain the subsection, Subsection 4(b) of Section 5 of the Metro Charter of this measure shall remain in effect. If a majority of the electors do not vote to retain Subsection 4(b) of Section 5 of the Metro Charter, then that subsection is repealed on June 30, 2031.
- (b) By appropriate action of the Metro Council, the question described in subsection (a) of this section shall be submitted to the people for their decision at the general election held in 2030.
- (c) This section is repealed on January 1, 2032.

BALLOT TITLE
FOR METRO BALLOT MEASURE

Caption (10 words): Retain prohibition on Metro-required single-family neighborhood density increases.

Question (20 words): Shall Metro Charter Provision Prohibiting Metro From Requiring Density Increases in Single-Family Neighborhoods Be Retained, with 16-Year Sunset?

Summary (74 words): Retains provision in Metro Charter prohibiting Metro from requiring local governments to increase density in identified existing single-family neighborhoods. Requires revote in 2030 to remain effective. This prohibition was approved by voters in 2002 and is required by Metro Charter to be voted on again at the November 2014 general election. A “yes” vote on this measure would retain the prohibition for 16 years; a “no” vote repeals the prohibition on June 30, 2015.

**EXPLANATORY STATEMENT
FOR METRO BALLOT MEASURE**

(293 words)

This measure asks voters the question of whether to retain a provision in the Metro Charter at Chapter II, Section 5, subsection (4)(b). This Charter provision was originally approved by the voters in 2002, and the provision includes a clause requiring that it be resubmitted to the electors for a vote at the November 2014 general election.

Metro performs required land-use planning activities under Oregon's land-use planning laws. Oregon law authorizes Metro to adopt "functional plans" addressing matters that affect the development of greater metropolitan Portland. Metro may recommend or require changes to local governments' comprehensive land use plans and to ordinances that implement those plans, unless otherwise limited by state law or its own charter, as in the limitation being voted upon here.

This limitation is contained in Metro Charter Chapter II, Section 5 (4) entitled "Protection of Livability of Existing Neighborhoods," in subsection (b), entitled "Density Increase Prohibited." The provision prohibits Metro from requiring, by the Regional Framework Plan or any ordinance implementing the plan, an increase in the density of single-family neighborhoods within the existing urban growth boundary identified in the plan solely as inner or outer neighborhoods. The provision does not affect the ability of local governments to determine for themselves the density mixes in those areas.

The original provision required that it be re-submitted to the voters in the fall general election in 2014. The provision being voted on at the November 2014 election contains a similar sunset and revote clause. If a majority of the electors vote to retain the provision, it shall remain in effect until the question is again put to the voters in 2030. If a majority of voters do not vote to retain the provision, it will be repealed on June 30, 2015.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4545, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS ON NOVEMBER 4, 2014, THE QUESTION OF WHETHER OR NOT TO RETAIN METRO CHARTER PROVISION CHAPTER II, SECTION 5 (4)(B)

Date: August 14, 2014

Prepared by: Alison R. Kean,
Metro Attorney
Ext. 1511

BACKGROUND

The Metro Charter was amended in 2002 to add the following provision to Charter Chapter II Section 5, subsection (4) (b):

(4) Protection of Livability of Existing Neighborhoods.

...

(b) Density Increase Prohibited. Neither the Regional Framework Plan nor any Metro ordinance adopted to implement the plan shall require an increase in the density of single-family neighborhoods within the existing urban growth boundary identified in the plan solely as Inner or Outer Neighborhoods.¹

- 1
- (a) Subsection 4(b) of Section 5 of the Metro Charter is repealed on June 30, 2015 unless at the general election held in 2014, a majority of the electors voting on the question of whether or not to retain Subsection 4(b) of Section 5 of the Metro Charter as part of the Metro Charter vote to retain the subsection. If the electors vote to retain the subsection, Subsection 4(b) of Section 5 of the Metro Charter of this measure shall remain in effect. If a majority of the electors do not vote to retain Subsection 4(b) of Section 5 of the Metro Charter, then that subsection is repealed on June 30, 2015.
 - (b) By appropriate action of the Metro Council, the question described in subsection (a) of this section shall be submitted to the people for their decision at the general election held in 2014.
 - (c) This section is repealed on January 1, 2016.

The Metro Charter requires the Metro Council to submit to the Metro area voters at the November 2014 general election the question of whether or not to retain this provision of the Metro Charter. If the voters vote yes, the prohibition is retained until a required vote again in 15 years; if they vote no, the prohibition is repealed.

ANALYSIS/INFORMATION

1. **Known Opposition** None known.

2. **Legal Antecedents**

Metro Council Resolutions 00-2988; 02-3163
Metro Charter Chapter II, Section 5, subsection (4) (b)
Metro Code Section 9.02.070

3. **Anticipated Effects** If the voters vote yes at the November 2014 general election, the charter provision is retained until 2031, unless the voters again vote in 2030 to retain the provision. If the voters vote no at the November 2014 general election, the provision is repealed on June 30, 2015.
4. **Budget Impacts** There is a no additional cost to implementing the provision if enacted as it is already part of the Metro Charter; the general election cost is the only cost.

RECOMMENDED ACTION

Adoption of Resolution 14-4545 by the Metro Council.

Agenda Item No. 4.3

Resolution No. 14-4556, For the Purpose of Approving the
Willamette Falls Riverwalk Memorandum of Understanding
with City of Oregon City, Clackamas County and State of Oregon.

Resolutions

Metro Council Meeting
Thursday, August 14, 2014
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE)	RESOLUTION NO. 14-4556
WILLAMETTE FALLS RIVERWALK)	
MEMORANDUM OF UNDERSTANDING)	Introduced by Councilor Carlotta Collette
WITH CITY OF OREGON CITY,)	
CLACKAMAS COUNTY AND STATE OF)	
OREGON)	

WHEREAS, since the commencement of the bankruptcy liquidation of the former Blue Heron Paper Company in 2011, Metro, Oregon City, Clackamas County and the State of Oregon (together, the “Partners”) have been investigating the site’s potential to support a project that would bring public access to Willamette Falls, spur economic redevelopment in Oregon City and restore habitat along the Willamette River;

WHEREAS, the Partners recognize that the critical first public investment in Willamette Falls is a riverwalk that would provide public access to the falls (the “Riverwalk”);

WHEREAS, in 2013, the State of Oregon enacted Senate Bill 5506 (SB 5506), committing \$5 million in lottery-backed bonds to the Willamette Falls project, pending a credible financial proposal by local partners for creation of public access to the Willamette River and the Falls;

WHEREAS, to comply with SB 5506 the Partners have crafted a Willamette Falls Riverwalk Memorandum of Understanding;

WHEREAS, the Willamette Falls Riverwalk Memorandum of Understanding documents the shared commitment of the Partners to the design and construction of the Riverwalk for public access to the natural wonder and historic qualities of Willamette Falls; now therefore

BE IT RESOLVED THAT the Metro Council hereby approves of the Willamette Falls Riverwalk Memorandum of Understanding, in a form substantially similar to the one attached hereto as Exhibit A, between Metro, the City of Oregon City, Clackamas County, and the State of Oregon.

ADOPTED by the Metro Council this 14th day of August 2014.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

Willamette Falls Riverwalk
MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”), entered into _____, 2014, is by and among The State of Oregon, through its Portland Metro Regional Solutions Office and its Parks and Recreation Department (together, the “State”), The City of Oregon City (“Oregon City”), Clackamas County (the “County”), and Metro (“Metro”) (each, a “Party” and collectively, the “Parties”).

~INTRODUCTION~

The Parties recognize that in order to spur redevelopment of the complex former Blue Heron paper mill site, the critical first investment is in a Riverwalk that provides public access to Willamette Falls. According to studies conducted by the Parties as part of the land use master plan and rezoning for the site, the Riverwalk will create new catalytic value on the property, attract visitors and visibility to downtown Oregon City, and create the necessary conditions for redevelopment. This will create regional economic impact that will catalyze traded sector activity and a place for new jobs and opportunity. This MOU documents the shared commitment of the Parties to the design and construction of the Riverwalk for public access to the natural wonder and historic qualities of Willamette Falls.

In 2013, the State of Oregon enacted Senate Bill 5506 (SB 5506), committing \$5 million in lottery-backed bonds to provide public access to Willamette Falls, pending a credible “finance and development plan” by local partners for completion of the project (to be referred to as the Riverwalk), a design for “a public access project” to the Willamette River and the Falls, and acquisition of “a property interest” along the “riverfront portion” of the property, such as an easement for the Riverwalk (SB 5506 §11). SB 5506 requires these conditions to be met no later than March 31, 2015, as described in the Memorandum of Understanding among the Parties dated May 16, 2013.

This MOU establishes the shared understanding among the public partners of the history of the project to date, the goals and fundamental expectations of the Parties, and the roles and responsibilities regarding the Riverwalk project, so that the Parties can meet the timeline set by SB 5506.

~SHARED HISTORY~

The current Riverwalk project phase follows a successful partnership which began in the summer of 2011, and resulted in significant due diligence, a land use master plan and a separate vision report for the entire Blue Heron site. The Parties recognize that while the site presents enormous opportunity, it also presents enormous challenges, which will require the strong partnership they have built and the public collaboration to continue. The vision for the site is based on four core values, which remain the guiding principles for the site and the Riverwalk project: public access, historic and cultural interpretation, economic redevelopment, and healthy habitat. This section describes the contributions of each Party to date, and any specific aims or

objectives of that Party with regard to the Riverwalk or the site, in addition to the four core values.

1. Oregon City

- Partner of this project because of need to address the vacant industrial property in its community to reduce barriers to acquisition and facilitate redevelopment opportunities
- Committed significant staff time to due diligence process, and led on the land use master plan process, which will result in rezoning of the site and creation of opportunity through updated zoning upon adoption of the land use master plan (specifically known as Master Plan CP 14-02, Zone Change and Text Amendment ZC 14-03, Comprehensive Plan Amendment PZ 14-01)
- Managed contractual agreement with bankruptcy trustee regarding the land use master plan process
- Commission has approved \$100,000 to the project annually for 10 years
- Identified one-time capital investment that could be used for Riverwalk project

2. Clackamas County

- Partner in this project because the County has a historical and heritage interest in this site and is focused on economic development and the opportunities for tourism development
- Oregon City is the County Seat, and Clackamas County takes great pride in where it lives and works
- Supports job creation and economic vitality for Oregon City and in this ongoing partnership, is anticipating job “re-creation” of traded sector industries on the site
- Primary goals: economic development and tourism development expanding the Mt. Hood Territory
- Funded \$100,000 to master plan efforts and federal lobbying efforts, 2/3 from economic development funds and 1/3 from tourism funds

3. Metro

- Partner of this project because of the 2006 Natural Areas Bond objectives in the Willamette River Greenway target area, which includes rare and unique habitat and public access goals, as well as the designation of Oregon City as a Regional Center
- Public access to Willamette Falls is a once in a generation opportunity
- Led and contributed over \$450,000 to due diligence on the site before the initial bankruptcy bid deadlines, including environmental assessments, boundary survey, appraisal, title research and analysis, and structural and historical investigations
- Funded \$300,000 Community Planning and Development Grant and \$100,000 of Natural Areas program funds from Metro, as well as significant staff time, to the land use master plan process

4. State of Oregon

- Willamette Falls has natural significance and is part of the larger historic and cultural area
- Aims to preserve access to natural features, create community access to recreation and economic opportunities on site
- Public access to the Willamette Falls and Willamette river enhances the objectives of the Willamette River Greenway program
- Provided technical assistance on the land use master plan
- Arranged and funded photo documentation of the site shortly after the bankruptcy
- Provided valuable historic coordination and consultation through the State Historic Preservation Office
- Regional Solutions Center designated this a “Regional Priority” project, assigning support from DEQ, Business Oregon, and other state offices
- Instrumental in identifying \$5 million capital investment
- \$65,000 Brownfield grant through Business Oregon to support the environmental assessment of the property

~RIVERWALK PROJECT~

Throughout the Riverwalk project, the Parties are committed to working to achieve the following goals or outcomes for the project:

1. Public Ownership of the Riverwalk Easement
 - Metro and Oregon City are willing to serve as owners of the Riverwalk
2. Location of the Riverwalk
 - The Riverwalk should generally adhere to the edge of the Willamette River with unobstructed views of the river approximately as depicted in the land use master plan with some flexibility as specific design challenges or opportunities arise
3. Habitat
 - The Riverwalk must include riverbank restoration/stabilization to be eligible for natural areas bond funds through Metro and other funding sources.
4. Conform with Federal Requirements
 - It will be important to maintain eligibility for federal funds and to adhere to important federal requirements, such as disability access
5. Private Contribution
 - Through the creation of the Riverwalk, the public sector will be introducing value to the overall site. This benefits private ownership of the site and thus:

- Private owners should not benefit unduly from public investment in the Riverwalk without making a comparable investment in the development of the overall site
- Given the creation of value through public investment, the Riverwalk Easement should be acquired from the owner as a willing conveyer at least cost to the public

6. Public Finance Plan

- Provision of the \$5 million in lottery bonds from the State is contingent upon Metro, the County, and the City demonstrating their ability to support the Riverwalk project by raising the funds necessary for the project from any number of sources, which may include city, county and regional governments, federal agencies, grants, donations and private investment
- The public finance plan will separate planning costs from capital improvement costs
- The parties are committed to controlling costs to get the best value for public funds
- The investment of public funds in the Riverwalk will be used for public benefit and not to subsidize private development, though recognizing that the private sector will benefit from the catalytic Riverwalk project

7. Maintenance

- The Parties recognize that a funding strategy must include a plan for ongoing maintenance of the Riverwalk for the future, including upkeep and security
- No public entrance fee will be required for access to the Riverwalk. The Parties believe that the following are among the appropriate sources of revenue to pursue for ongoing operations:
 - Contributions from private businesses adjacent to the Riverwalk that benefit from its value
 - Cost recovery from special events
 - Secondary proceeds from the patrons/visitors who will use Riverwalk (such as parking, concessions, etc.)
 - Government contribution
- The owners of the site should have a stake in maintenance and operations of the Riverwalk project

8. Amenities & Programming

- The Riverwalk development should be an exceptional destination that reflects the site's unique character and draws visitors and investment opportunities from around the world
- Maximize hours of public access
- Programmed to catalyze economic development

9. Design Elements

- Design components start with concept in the vision document and land use master plan
- Include significant historic and cultural interpretation
- Provide opportunities and facilities for recreation
 - Connection to fishing, boating, kayaking, etc.
 - Walking and biking
 - Connections to regional trails and open spaces
 - Parking and restrooms
- Integration with and catalytic to private development
- Connection to historic downtown

~ROLES~

To help meet the spring funding deadline for the State's \$5 million in lottery-backed bonds, the Parties commit to the following roles, each with the support of or in collaboration with the other Parties. Some roles are not included, though they are necessary, such as which Party will take the lead on the design and engineering for the Riverwalk. This is because the terms of this MOU will facilitate the acquisition of a Riverwalk easement and confirm other resources which will allow further definition of these roles. The Parties commit to revisiting the question of which Party will lead the design and engineering for the Riverwalk, and other essential issues, as they arise.

Each of the parties will make contributions of staff support. All parties share the responsibility for raising funds (in accordance with the Public Finance Plan described in Paragraph 6 of *Riverwalk Project* Section, above). Those in the lead in any area will report back to the Partners on the status of their work and seek support on key decisions.

1. Oregon City

- Develop future operations, regulatory and maintenance plan for the Riverwalk

2. Metro

- Negotiate to obtain an easement for the Riverwalk from the owner (the "Riverwalk Easement")
- Develop an overall fundraising strategy for the remaining estimated costs of the project
- Pursue an additional easement agreement from Portland General Electric to provide additional public access to the Falls (the "PGE Easement")
- Lay the groundwork to help launch a "friends" group to provide non-profit support for the Riverwalk project

3. County

- Bring its lobbying capacity to the table, both locally and federally using existing contract with lobbyist to pursue federal support of the Riverwalk, in accordance with the overall fundraising strategy
- Help to obtain the PGE Easement

4. State of Oregon

- As requested by the Parties, in accordance with SB 5506, State Parks will take the lead on designing a process for tribal involvement in the Riverwalk project and its interpretation

IN WITNESS WHEREOF, and by the authority granted in ORS 190.110, whereby units of local government may enter into agreements with units of local government or agencies of this state for the performance of any or all functions and activities that the parties to the agreement, its officers, or agents have the authority to perform, the parties have executed this MOU as of the date first written above.

CITY OF OREGON CITY

METRO

David W. Frasher, City Manager

Martha J. Bennett, Chief Operating Officer

CLACKAMAS COUNTY

STATE OF OREGON, through its Portland
Metro Regional Solutions Office

Don Krupp, County Administrator

Bobby Lee, Director

STATE OF OREGON, through its
Parks and Recreation Department

Lisa Van Laanen, Director

STAFF REPORT

IN CONSIDERATION OF RESOLUTIONS NO.14-4556 FOR THE PURPOSE OF APPROVING THE WILLAMETTE FALLS RIVERWALK MEMORANDUM OF UNDERSTANDING WITH CITY OF OREGON CITY, CLACKAMAS COUNTY AND OREGON STATE PARKS

Date: August 14, 2014

Prepared by: Hillary Wilton
503-797-1864

BACKGROUND

For the first time in 150 years, Oregonians have the opportunity to rediscover a cultural and scenic treasure: Willamette Falls. A public vision and master plan are taking shape, with the goal of transforming a 23-acre industrial site nestled along the falls in historic Oregon City. This former paper mill could someday serve as an economic engine, a waterfront destination, a unique habitat, a window into Oregon's past – and a bold step into our future.

Whatever develops on the landscape will be shaped by Willamette Falls, roaring in the Willamette River below. The largest waterfall in the Pacific Northwest, it was long an important cultural and gathering place for Native American tribes. The Oregon Trail ended here. And throughout the 1800s, the Falls made history by generating energy for Oregon's early industries and cities and fueling the nation's first long-distance electrical power transmission. That industrial legacy ended in 2011, when the Blue Heron Paper Co. closed its doors – the last in a succession of businesses that contributed to Oregon City's strong working waterfront.

Metro, Oregon City, Clackamas County and the State of Oregon (“the public partners”) have been working in collaboration to develop a public vision and framework master plan for the redevelopment of the Blue Heron paper mill site. The public partners recognize that in order to spur redevelopment of the Blue Heron site the critical first investment is in a Riverwalk providing public access to Willamette Falls. The public partners wish to enter into a Memorandum of Understanding detailing roles and commitment to this public investment (“MOU”).

The current Riverwalk project phase of the Willamette Falls Legacy Project follows a successful partnership which began in the summer of 2011 anchored by four core values, which remain the guiding principles for the site and the Riverwalk project: public access, historic and cultural interpretation, economic redevelopment, and healthy habitat.

In 2013, the State of Oregon enacted Senate Bill 5506 (SB 5506), committing \$5 million in lottery-backed bonds to the Riverwalk project, pending a credible financial plan by local partners for completion of the Riverwalk and a design for robust public access to the Willamette River and the Falls. The Regional Solutions office has asked for this plan to be submitted by March of 2015.

This MOU establishes the shared understanding among the public partners of the history of the project to date, the goals and fundamental expectations of the public partners, and the roles and responsibilities regarding the Riverwalk project, so that the public partners can proceed with securing public interest in the property by acquisition of an easement and securing other funding sources to meet the timeline set by SB 5506.

According to studies conducted by the public partners as part of the master plan and rezoning for the site, the Riverwalk will create new catalytic value on the property, attract visitors and visibility to downtown Oregon City, and create the necessary conditions for redevelopment and traded sector activity to generate a place for new jobs and opportunity with anticipated regional economic impact. The MOU documents the shared commitment of the public partners to the design and construction of the Riverwalk for public access to the natural wonder and historic qualities of Willamette Falls.

Metro has agreed to the following lead roles in the MOU: negotiate to obtain an easement for the Riverwalk from the property owner; pursue a fundraising strategy for the remaining estimated costs of the project; pursue an additional easement agreement from Portland General Electric to provide additional public access to the falls; and to lay the groundwork for a “friends” group to provide non-profit support for the Riverwalk project. This work is already underway.

The MOU is attached as Exhibit A to Resolution 14-4556.

Adopting Resolution No. 14-4556 would provide guidance for Riverwalk easement negotiations and assist to lay the groundwork for presenting a plan to present to the State in order to fulfill the requirements of the \$5Million commitment in lottery-backed bonds.

ANALYSIS/INFORMATION

1. **Known Opposition** None known
2. **Legal Antecedents** Oregon Senate Bill 5506 (SB 5506), committing \$5 million in lottery-backed bonds to the Riverwalk project, pending a credible financial plan by local partners for completion of the Riverwalk and a design for robust public access to the Willamette River and the Falls.
3. **Anticipated Effects** Metro will work to acquire an easement interest in the Property at for the Riverwalk and continue its efforts on a fundraising strategy and obtaining an easement from PGE.
4. **Budget Impacts** There are no costs directly related to implementing this legislation. Any easement acquisition for the Riverwalk will require additional authority of Metro Council.

RECOMMENDED ACTION

Staff recommends Council approve Resolutions No. 14-4556

Materials following this page represent
Attachments to the Public Record



METRO COUNCIL MEETING

Meeting Minutes

Aug. 7, 2014

Metro, Council Chamber

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

Councilors Excused: Councilor Sam Chase

Council President Tom Hughes called the regular council meeting to order at 2:01 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

Ellen Ino, Portland: Ms. Ino discussed employment status at the Oregon Zoo and her five-year long campaign advocating for the creation of permanent positions. She proposed a guarantee of a minimum number of hours per week for year-round and seasonal employees with augmentations for operational needs. She argued that permanent employment status would reduce costs for Metro and shared the response from Zoo's management team as heard by employees.

Dana Carstensen, Hillsboro: Mr. Carstensen shared frustrations in his experience as an employee at the Oregon Zoo regarding livability of current wages. He addressed Metro's investments in planning and economic policies relative to the wage ceiling that employees at the zoo face. He shared a recent report from S&P arguing that inequitable employee-employer relationships undermine future generations and markets.

Les Poole, Gladstone: Mr. Poole discussed regional angst due to infill imposed upon communities. He addressed Council's political agenda and shortcomings in planning for the future. Mr. Gladstone stated that Metro Council is responsible for too much land-use planning and needs reform relative to ORS 268 authorizations.

Ron Swaren, Portland: Mr. Swaren spoke to Council on his past and current involvement in planning the Columbia River Crossing. He stated his support for a new bridge West of Interstate-5, generally referred to as the Northwestern Arterial Route, and the possible modes of transportation that it could serve. In response to Councilor Craddick, Mr. Swaren stated that he is seeking to know if University of California – Berkeley could do an evaluation on the bridge project.

Roxanne Ross, Gresham: Ms. Ross discussed the Powell-Division high-capacity transit corridor project and the effects of the project that she anticipates on arterials between Gresham and Portland. She shared her understanding of the proposed plans and stated that Metro's 2040 Growth Concept is not taking into account the economic restraints and individuals' need to use arterials to

commute to and from work in the region. Ms. Ross stated that cities like Gresham could not afford the transit projects that support Metro's high-capacity transit focus. She argued that the use of light-rail in every recent transit corridor project indicates light-rail will be used on Powell-Division.

Councilors Craddick and Stacey responded to Ms. Ross' concerns with assurance that a timeframe for determining the mode of transit to use had not been determined and that there is not an operating assumption that space will be eliminated as part of the process.

Sharon Nasset, Portland: Ms. Nasset shared options to address congestion in absence of the Columbia River Crossing (CRC) project. She proposed updating the Burlington Northern Rail Bridge; shortening bridge lift times, a bicycle-pedestrian promenade connecting Vancouver and Jantzen Beach, seismically retrofitting the bridge, and opening high-occupancy vehicle lanes.

Nadine Zimmer, Portland: Ms. Zimmer stated she was appalled by the Council's stoicism over the past year in response to citizen concerns for elephant conditions at the Oregon Zoo. She identified and discussed four issues: lack of transparency, failure to carry out elected duties, gross mismanagement, and resisting public participation in decision-making.

Sandy Miller, Portland: Ms. Miller argued that captive breeding programs of mammals should end. She shared an article on elephants and chimpanzees that described their relationship behavior. She stated that elephants are distinguished and threatened as mammals by their immense size.

Courtney Scott, Portland: Ms. Scott discussed the elephants at the Oregon Zoo and intent to increase the herd from eight to 19 through forced mating practices. She expressed concern for the elephants' health despite the Zoo's promotion of Elephant Lands.

Sundari Sitaram, Washougal: Ms. Sitaram stated that she stands in solidarity with Free the Oregon Zoo Elephants and expressed disappointment in the zoo's breeding program. She proposed shifting the dialogue and the legacy for future generations.

Bette Steruk, Portland: Ms. Steruk provided examples of historical leaders in movements they were not initially proponents of. She read a quote from Martin Luther King Jr., urging a radical revolution of values and stated that Metro and the public could accomplish a revolution.

Shan Gupta, Portland: Mr. Gupta discussed the status of Portland as a progressive city to be modeled after and identified freeing elephants of the Oregon Zoo as an opportunity to stand as a leader. He stated that he is a member of Idealists.Org, a group that supports freeing the elephants from the zoo.

3. GLEAN RECYCLED ART PROGRAM PRESENTATION

Councilor Collette introduced the GLEAN recycled arts program, an environmental arts and education program Metro helped launch four years ago to prompt people to think about their consumption habits, inspire creative reuse, and initiate larger conversations about waste generation. A jury of arts and environmental professionals select five local artists to participate in the show. The artists are given a stipend and six months of scavenging privileges and access to the region's discards dropped off at Metro Central Transfer Station. Each artist creates 10 pieces to exhibit and sell. The exhibition opens Friday, August 8 at Disjecta Contemporary Art Center in North Portland at 6 pm.

Mr. Paul Slyman, Director of Parks and Environmental Services, discussed the work entailed in processing waste and the human side of waste habits as captured in Natalie Sept's Waste Not series. Waste Not is a collection of portraits of employees at Metro's transfer stations displayed alongside the GLEAN pieces. He also discussed Metro's Let's Talk Trash Series and Metro's partnership with Recology.

Mike Sangiacomo, President and CEO of Recology, discussed Recology, the region's recovery goals, and the inspiration for GLEAN.

Amy Wilson, CrackedPots and GLEAN Program Manager, shared information about the artists and their work displayed at the GLEAN exhibit.

4. **CONSENT AGENDA**

Motion:	Councilor Shirley Craddick moved to approve Aug. 7 Consent Agenda, which consisted of: <ul style="list-style-type: none">• Consideration of the Council Minutes for Jul. 31, 2014; and• Resolution No. 14-4551, For the Purpose of Designating Lone Fir Cemetery as a Park Area in which Alcoholic Beverages may be Consumed Subject to a Speak Use Permit.
Second:	Councilor Craig Dirksen seconded the motion.

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

5. **RESOLUTIONS**

5.1 **Resolution No. 14-4543**, For the Purpose of Accepting the May 20, 2014 Primary Election Abstract of Votes for Metro.

Resolution No. 14-4543, if approved, would accept the official Abstract of Votes of the May 20, 2014 Primary Election held in the State of Oregon. The following candidates appeared on the Primary Election ballot in accordance with ORS Chapter 249:

1. Metro Council President;
2. Metro Councilor, Sub District 1;
3. Metro Councilor, Sub District 2;
4. Metro Councilor, Sub District 4; and
5. Metro Auditor

Motion:	Councilor Kathryn Harrington moved to approve Resolution No. 14-4543.
Second:	Councilor Carlotta Collette seconded the motion.

Vote:

Council President Hughes, and Councilors Craddick, Harrington, Dirksen, Collette and Stacey voted in support of the motion. The vote was 6 ayes, the motion <u>passed</u> unanimously.
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The Multnomah County Elections Division will send certificates of election to the successful Metro candidates, who will take office and start their terms in January, 2015.

5.2 **Resolution No. 14-4552**, Authorizing Refunding of General Obligation Bonds for Present Value Savings.

Council President Hughes introduced Resolution No. 14-4552, which if approved would authorize Metro to issue tax-exempt general obligation bonds to refinance the callable portion of the outstanding 2007 series Natural Areas bonds.

Motion:	Councilor Kathryn Harrington moved to approve Resolution No. 14-4552.
Second:	Councilor Bob Stacey seconded the motion.

Mr. Tim Collier, Director of Finance and Regulatory Services, provided a brief staff report. Mr. Collier stated that the refunding of the Natural Areas series 2007 general obligation bonds would restructure terms of the bond, shorten the maturity date of the bond from June 2026 to the current proposed date of June 2020. The authorization would allow Metro to better manage the rate pledge and general rates. He stated that the restructuring is anticipated to save approximately \$12.2 million in gross savings over the life of the bond or about \$8.9 million in net present value savings. The final structure of the bond will be determined at a later date to provide the maximum benefit to Metro.

Council discussion

Council complimented staff for being cognitive of market fluctuations. In response to Council inquiry, Mr. Collier stated that he could provide total reduction amounts in borrowing costs at a later date. He stated that the rate would be changing from 12 cents per thousand to 16 centers per thousand, but the payments will end six years earlier.

Vote:

Council President Hughes, and Councilors Craddick, Harrington, Dirksen, Collette and Stacey voted in support of the motion. The vote was 6 ayes, the motion <u>passed</u> unanimously.
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6. **CHIEF OPERATING OFFICER COMMUNICATION**

Ms. Martha Bennett provided updates on the following items:

- Metro received a grant from Oregon Parks and Recreation Department for \$287,500 for the Tualatin River Boat Launch project. Construction is anticipated to begin and end in 2016.
- The launch of an Opt-In survey as part of the planning effort for the Conservation Education Center. The survey accessible through the Oregon Zoo website's main page.

- Lloyd district MAX and bus services will be disrupted from Aug. 11 and 15 between the Convention Center and Lloyd Center due to construction improvements on NE 11th street.

7. COUNCILOR COMMUNICATION

Councilors provided updates on the following meetings or events: Visitor Development Fund Task Force, Oregon Zoo Foundation Board of Directors meeting, quarterly exchanges, Joint Policy Advisory Committee on Transportation (JPACT) Finance Subcommittee, Memorandum of Understanding (MOU) pertaining to Willamette Falls Legacy Project approved by Clackamas County, C4, Eagle Landing project, and the Yurok Tribe MOU with United States Fish and Wildlife Service regarding release of condors.

Council President Hughes provided an update on the Convention Center Hotel.

Council President Hughes sought Council approval for Council and Metro Exposition Recreation Commission (MERC) to accept an invitation to a local “familiarization tour” later in August. All six Councilors present approved Council and MERC’s participation in the tour.

8. ADJOURN

There being no further business, Council President Hughes adjourned the regular meeting at 3:28 p.m. The Metro Council will convene the next regular Council meeting on Thursday, Aug. 14 at 2 p.m. at Metro’s Council Chamber.

Respectfully submitted,



Jill Schmidt, Council Policy Assistant

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF AUG. 7, 2014

Item	Topic	Doc. Date	Document Description	Doc. Number
2.0	Testimony; Handout	7/2/2013	Better Alternatives to CRC: Third Bridge	80714c-01
2.0	Testimony; Handout	N/A	Immediate Congestion Relief	80714c -02
2.0	Handout	3/1/2014	Free the Elephants and Orcas in Captivity	80714c -03
2.0	Testimony; Handout	8/7/2014	From Courtney Scott	80714c -04
4.1	Minutes	7/31/2014	Council Minutes for July 31, 2014	80714c -05
5.1	Legislation	6/9/2014	Exhibit B to Resolution No. 14-4543	80714c -06

Matt Meme Ellison
Worker at the Oregon Zoo

DATE Aug 14

I'd like to go further than our Livona Business Manager did in the recent OPB news piece, when she said that over half of temps were returning year to year. If you look at the retention rate, I'm sure you will see that retention fell off since the yearly performance reviews and raises were canceled 3-4 years ago.

Your Metro Spokesperson said that since "changes" in the economy occurred, more workers have wanted to stay at the zoo year to year. Jim is not very good at lying. Conditions at work with no raises or performance reviews have driven workers away because they cannot afford to work at the Zoo. I don't need to pay rent, living at my parent's house, and I still have only \$20 in my checking

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office/503-962-2231; mobile/503-358-2497

DATE

account to stretch for 9 more days.
 Anyone who works for a living will see through your spokesperson's statements; it's been impossible to make ends meet on 1040 hours a year for a long time, not just since Metro started trying so explicitly to balance the budget on the backs of the workers at the zoo who bring in the revenue.

Get to know food service workers like I have, and you will learn how much they struggle with poverty and the inter-sectional mess of the social determinants of health.

Our family of Zoologists is strong!
 Treat us like family, and you'll be strong too!!

- Matt 'Meme' Ellison, Queer Zoologist
 4303 NE 14th Ave, Vancouver, WA, 98663

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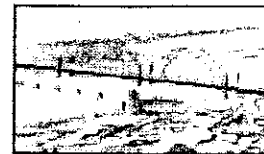
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Better alternative to CRC: Third Bridge

Posted By [In the news](#) On July 2, 2013 @ 7:17 am In [Columbia River Crossing, Transportation](#) | [477 Comments](#)

(1)

by Ron Swaren



The "Third Bridge" from Portland to Vancouver most commonly refers to a concept also called "The Western Arterial." It is also called the "Port-to-Port" bridge, and was analyzed as an alternative by the Southwest Washington Regional Transportation Council in 1999. The Western Arterial was originally considered by the CRC project, but was dismissed because it was outside of the "(I-5) bridge influence area."

Well, no...really?

Now that the CRC project is (hopefully) dead, we should be able to get to realistic solutions. The big economic news in the area is that the Silicon Forest is gearing up for its next big wave of expansion. And with it will come increasing traffic congestion on the I-5. However, since the construction of the Fremont Bridge and I-405 back in the 1970's the contribution of traffic on to Interstate 5 from the western parts of the Portland Metropolitan area has been a factor planners have been slow to reckon with. And the burst of growth in high tech industries in the Beaverton Hillsboro area has been the largest contributing factor to I-5 congestion and now there will be more.

Here's a popular concept of what the connections of the Western Arterial route could be, and please note that this is not a canyon like Interstate freeway. This has also received general, popular recognition as an effective alternative:

Start in Vancouver, WA at the I-5 and 39th Street exit. Conveniently, Washington State Route 500 also ties in here. Go west (possibly underground) to Fruit Valley Rd. and head south. This eventually ties in to an extension of Mill Plain Blvd. and wends its way on Thompson Ave. to the banks of the Columbia. Cross just west of the BNSF bridge and connect in near North Portland Rd. This connects Vancouver to the Rivergate area and the loop of N. Marine Drive and N. Columbia Boulevard. Head across the Willamette at the west end of this loop from N. Ramsey Blvd.

Connect to Hwy 30 with an interchange, and then head NW near the Newberry Rd. area. Connect to NW Kaiser Rd. and then to NW Cornelius Pass Rd. and then on to US 26. This puts it in the heart of planned expansion in this industrial area. There probably is a need for a tunnel under Skyline Blvd. since it would be a steep incline to go over the summit.

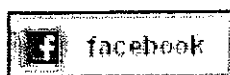
This is a shortcut, as opposed to going down Interstate 5 and then out US 26, and should appeal to both mass transit and to alternative transportation (i.e. cyclists). What deters many would be transit users are multiple transfers and lengthy rides. Shortcuts work to every traveler's advantage. And, for the most part, it makes use of existing Rights of Way. This can be a standard four lane highway—there are also concepts for an additional east side crossing, which can also alleviate some of the general interstate traffic burden. This route will also go close to METRO's West Side Trail system.

By using metal arch bridges fabricated on land, as was the Fremont, costs can be controlled. The CRC project with its concrete structure and risky, over the water construction, had a combination of expensive methods. Admittedly the Western Arterial would not be cheap, but it serves an area that presently does not have good access. It also allows for a large "travel shed" since numerous routes in both Washington and Oregon can intersect it, providing an alternative for traffic which is now confined to I-5. It also allows for an express transit bus system via the major highways. Supplemental routes (such as NW Cornelius Pass Rd) can have very limited, modest improvements. Vancouver has ample room for growth in its downtown area and there are three major industrial areas which can be served by the Arterial. Oregon also welcomes the tax dollars that Washington residents bring in.

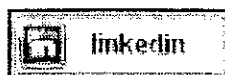
(Ron is a resident of the Portland area, has been involved in transportation issues and participates in the UN World Urban Forum. As a commercial journeyman carpenter he has built some of the major structures in the Portland area and believes that costs on public works need to be dramatically reduced.)



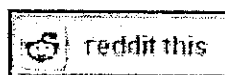
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