

A G E N D A

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METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING
DATE: February 19, 2004
DAY: Thursday
TIME: 1:30 PM
PLACE: Beaverton Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. CONSENT AGENDA

3.1 Consideration of Minutes for the February 12, 2004 Metro Council Regular Meeting.

4. ORDINANCES – FIRST READING

4.1 **Ordinance No. 04-1034**, For the purpose of Annexing into the Metro District Boundary approximately 202.9 Acres at Evergreen and Shute Roads in the City of Hillsboro and Declaring an Emergency

5. RESOLUTIONS

5.1 **Resolution No. 04-3418**, For the Purpose of Amending the 2004-07 Metropolitan Transportation Improvement Program to Add Funding of A First Phase of the I-5/Macadam Access Improvements for \$2 Million. Burkholder

5.2 **Resolution No. 04-3419**, For the Purpose of Recommending Freight Project Priorities to the Oregon Freight Advisory Committee. Monroe

6. CHIEF OPERATING OFFICER COMMUNICATION

7. COUNCILOR COMMUNICATION

8. **METRO'S ROLE IN THE 2040 CENTERS** Bernards

ADJOURN

Television schedule for Feb. 19, 2004 Metro Council meeting

<p>Clackamas, Multnomah and Washington counties, Vancouver, Wash. Channel 11 -- Community Access Network www.yourtv.org -- (503) 629-8534 Thursday, Feb. 19 at 1:30 p.m. (live)</p>	<p>Portland Channel 30 (CityNet 30) -- Portland Community Media www.pcatv.org -- (503) 288-1515 Sunday, Feb. 22 at 8:30 p.m. Monday, Feb. 23 at 2 p.m.</p>
<p>Gresham Channel 30 -- MCTV www.mctv.org -- (503) 491-7636 Monday, Feb. 23 at 2 p.m.</p>	<p>Washington County Channel 30 -- TVTV www.yourtv.org -- (503) 629-8534 Saturday, Feb. 21 at 7 p.m. Sunday, Feb. 22 at 7 p.m. Tuesday, Feb. 24 at 6 a.m. Wednesday, Feb. 25 at 4 p.m.</p>
<p>Oregon City, Gladstone Channel 28 -- Willamette Falls Television www.wftvaccess.com -- (503) 650-0275 Call or visit website for program times.</p>	<p>West Linn Channel 30 -- Willamette Falls Television www.wftvaccess.com -- (503) 650-0275 Call or visit website 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 Clerk of the Council, Chris Billington, 797-1542. Public Hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be considered included in the decision record. Documents can be submitted by email, fax or mail or in person to the Clerk of the Council. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

Consideration of Minutes of the February 12, 2004 Regular Council meetings.

Metro Council Meeting
Thursday, February 19, 2004
Beaverton Council Chamber

MINUTES OF THE METRO COUNCIL MEETING

Thursday, February 12, 2004
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Susan McLain, Brian Newman, Rod Monroe, Rex Burkholder, Carl Hosticka, Rod Park

Councilors Absent:

Council President Bragdon convened the Regular Council Meeting at 2:02 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. STATUS OF AUDIT RECOMMENDATIONS – 2003

Alexis Dow, Metro Auditor, provided a summary of the status of her audit recommendations for 2003 (a copy of the power point presentation is included in the meeting record). She said part of the process to encourage the implementation of audits, was to present a report each year to the Council. This report tracked the progress of the recommendations. She noted that overall the results have been good. In the past five years, management had agreed to 193 of the 198 recommendations. The vast majority of the recommendations was fully implemented or was in the process of being completed. She noted areas of concern, Metropolitan Exposition-Recreation Commission (MERC) bank accounts, Information Technology (IT) strategic and risk planning, and Zoo construction management. She spoke to the consequences of inattention and the benefits of implementation. She summarized the rest of the report.

Councilor Newman asked about the failure to implement the recommendations. Were these recommendations that management hadn't agreed with or just hadn't implemented? Ms. Dow responded that most were recommendations that management had agreed with, only one management did not agree with. Councilor Newman asked about MERC bank account reconciliation. Michael Jordan, Chief Operating Officer (COO) responded that he had asked the Chief Financial Officer to check into this. Council President Bragdon asked about the outside audit presentation. Ms. Dow said they would be presenting in the near future. Councilor Burkholder asked if there was a way to resolve if management disagreed with a recommendation? Ms. Dow responded that they could resolve the recommendations in several ways and explained the specifics. Councilor McLain said that Council had opportunities to come to some solutions through the budget process. She also spoke to central contracting benefits. She looked forward to working on these issues. Councilor Monroe asked about the Oregon Convention Center project savings.

4. CONSENT AGENDA

4.1 Consideration of minutes of the February 5, 2004 Regular Council Meetings.

Motion:

Councilor Newman moved to adopt the meeting minutes of the February 5, 2004, Regular Metro Council.

Vote:

Councilors Burkholder, McLain, Monroe, Park, Hosticka, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

5. CONTINUATION OF PUBLIC HEARING – 2003 URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN COMPLIANCE REPORT

Council President Bragdon explained the process for this hearing and future decisions concerning compliance. Dan Cooper, Metro Attorney, said after the record was closed, Council had opportunity to direct staff to produce an order. Council President Bragdon spoke to the role of the Council and this agency and the commitments that we have to the region. He expressed concern about jurisdictions lagging in the affordable housing area. He urged Council to meet with city councils about the importance of affordable housing.

Brenda Bernards and Gerry Uba, Planning Department, updated the Council on the amendments to the 2003 Urban Growth Management Functional Plan Compliance Report (a copy of these updated documents are included in the meeting record). Ms. Bernards detailed these amendments for each title. She noted changes in the format for Title 7. Councilor Hosticka asked about the situation with Clackamas County concerning Title 3. Ms. Bernards responded that the County had considered the amendments to the code last March but there had been no ordinance written to adopt the code. So there was nothing for Metro to react to. Clackamas County sent a letter indicating that the ordinance was moving forward. Councilor Hosticka asked once they had considered the ordinance, then Metro could decide if they were in compliance? Ms. Bernards said that was correct. She then detailed Title 11 compliance and the variance of the timelines by area. She explained compliance was by area rather than jurisdiction. She said thus far all jurisdictions were in compliance. Councilor Burkholder asked about notification. Ms. Bernards said they worked with the counties to receive the information even though they were not required to send notice to Metro. Councilor Monroe asked about the status of Bethany. Ms. Bernards said their plan was not due yet. Their compliance would be in 2005. Councilor McLain thanked staff for the work. She suggested having a single chart or matrix indicating who was out of compliance. Ms. Bernards said she could utilize page 3 and create a matrix page showing non-compliance.

Mr. Uba spoke to Title 7. They had made some changes based on the last public hearing. He noted which progress reports they had received. He spoke to comments that had been received for jurisdictions. He also talked about the deadline of December 31, 2003, which made it difficult for staff to pull together the information in a timely manner. They would be coming back in a month or two to update the Council on this title. Councilor Monroe said in the past it had appeared that some jurisdictions were dragging their feet on affordable housing and some rejected affordable housing within their boundaries. He wanted to know who were these jurisdictions. Mr. Uba detailed the jurisdictions, which had complied with some of the requirements. None of the jurisdictions had complied fully. Councilor McLain made some suggestions concerning compliance.

Council President Bragdon opened a public hearing.

Jamison Cavallaro, 3333 SE Alder St., Portland OR said he was here to represent Oregon Alliance for Land Use and Affordable Housing. He felt Metro had done a wonderful job. He spoke to Metro's opportunities in the affordable housing arena (a copy of their mission,

fundamentals, response to RAHS and requests were included in the record). They needed to be thinking about housing prices and wages. He urged looking for opportunities to comply in the area of affordable housing He urged reconvening the Housing Technical Advisory Committee (HTAC). They would like a seat on that committee.

Al Burns, City of Portland Bureau of Planning, 1900 SW 4th Ave Portland OR 97214 talked about the issue of affordable housing. He thanked the Council for holding the record open. He noted City of Portland's contribution to affordable housing. They had adopted 13 strategies. He noted Metro's assessment of progress (a copy of which is included in the meeting record).

Council President Bragdon closed the public hearing. He asked for directions to staff. He reiterated that Council needed to be involved if these titles were going to work. He empowered Council to take on this work and gave examples of Councilors work to date in Bethany and Damascus.

Motion:	Councilor Burkholder moved to accept the 2003 Compliance Report.
Seconded:	Councilor Monroe seconded the motion

Councilor Burkholder explained his motion. He noted that there was money planned in the planning budget to help jurisdictions with compliance of these titles. Councilor McLain suggested directing staff to look at some of the non-compliance issues. She suggested bringing these issues back to a work session. Council President Bragdon said he would like to be able to empower councilors to work with the jurisdictions. Councilor Hosticka said he wanted to be clear that by accepting the report that they were not condoning non-compliance. Mr. Cooper said the purpose of this hearing was to assess compliance. It was up to the Council to determine what they wanted to do with jurisdictions that were not yet in compliance. Council President Bragdon suggested Metro Policy Advisory Committee (MPAC) as a forum to discuss non-compliance.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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6. ORDINANCES – FIRST READING

- 6.1 **Ordinance No. 04-1035**, For the Purpose of Amending Metro Code Chapter 2.04 To Require Retention of Contract Records by Metro Contractors and to Assure the Ability of Metro to Audit Contract Records.

Council President Bragdon assigned Ordinance No. 04-1035 to Council.

- 6.2 **Ordinance No. 04-1039**, For the Purpose of Amending the FY 2003-04 Budget and Appropriations Schedule by Transferring \$450,000 from Contingency to Capital Outlay in the General Account in the Solid Waste Revenue Fund, and Declaring an Emergency.

Council President Bragdon assigned Ordinance No. 04-1039 to Council.

7. ORDINANCES – SECOND READING

- 7.1 **Ordinance No. 04-1032**, For the Purpose of Amending the FY 2003-04 Budget

And Appropriations Schedule by Transferring \$70,000 from Capital Outlay to Personal Services in the Convention Center Project Capital Fund; and Declaring an Emergency.

Motion:	Councilor Burkholder moved to adopt Ordinance No. 04-1032
Seconded:	Councilor Newman seconded the motion

Councilor Burkholder explained the amendment. He explained why this money had to be moved.

Council President Bragdon opened a public hearing on Ordinance No. 04-1032. No one came forward. Council President Bragdon closed the public hearing.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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8. RESOLUTIONS

8.1 **Resolution No. 04-3409**, For the Purpose of Endorsing the Updated Regional Position on Reauthorization of the Transportation Equity Act for the 21st Century (TEA-21)

Motion:	Councilor Park moved a substitution, Resolution No. 04-3409A.
Seconded:	Councilor Monroe seconded the motion

Councilor Park said this was the latest version adopted by Joint Policy Advisory Committee on Transportation (JPACT). He detailed what was in the Transportation Equity Act. This was our attempt to influence that reauthorization. It was significant to Metro. He noted the projects outlined in the exhibits. Transportation Policy Advisory Committee (TPAC) and JPACT had recommended the positions that we were taking. He asked Andy Cotugno, Planning Director, to detail some of the projects. Mr. Cotugno gave a status report. He said it was unclear what the federal legislature would do. He detailed the big issues and some of the risks. He talked about project endorsements. Exhibit A dealt with the biggest policy issues. He explained Exhibit B. Exhibit C was a list of proposed projects. Most of the projects got funded through Metro's Metropolitan Transportation Improvement Program (MTIP) process. He noted a specific project, which included a priority of a swing span bridge. They suggested funding through marine funding. These dealt with the six years of funding. Councilor Newman suggested briefing Council at Work Session on these issues. He asked about the different lists. He didn't see the Sunrise Corridor on the list. Mr. Cotugno said in Exhibit C there were five projects listed that this resolution would endorse. The State had requested nine projects statewide. The first three were included in Exhibit C.

Councilor Newman asked about the Small Starts bill. Mr. Cotugno said there was a bill in both the House and the Senate. Councilor Newman asked about appropriation. Mr. Cotugno responded to his question. Councilor Burkholder reported that the Bi-State Committee had offered forward the I-5 bridge/light rail project as a mega project for Oregon. He asked how Mr. Cotugno was going to transmit this information and get this in the hands of the delegation. Council President Bragdon asked about storm water tracks. Had we taken a position on this? Mr. Cotugno said it was under active consideration and explained the requirements for spending 2% on storm water projects. Councilor Hosticka asked about the Sunrise project. Was there a concept for this project? Mr. Cotugno said there wasn't a project at this time. There was a project approved by

Clackamas County Commission several years ago but the environmental impact expired. Council had approved funding for another environmental impact for that area. Councilor Park thanked Mr. Cotugno for his efforts. He spoke to the importance of this resolution. He talked about Congestion Mitigation Air Quality (CMAQ) change in standards and the potential loss of funding. It has the potential for major impact. This was important work that we stay on top of.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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7.2 **Resolution No. 04-3410**, For the Purpose of Approving the Portland Regional Federal Transportation Priorities for Federal Fiscal Year 2005 Appropriations.

Motion:	Councilor Park moved a substitution, Resolution No. 04-3410A.
Seconded:	Councilor Monroe seconded the motion

Councilor Park said this was the one-year transportation-funding request. This provided the delegation with a list of priorities for 2005. He detailed these projects (a copy of which is included in Exhibit A). Mr. Cotugno said this was designed to make an appropriate request because the projects were ready and had earmarked sources of funds. They were hopeful to get the funding for the next two MAX projects. There were no guarantees. Councilor Newman asked about the Portland Streetcar project. What governing body adopted this project as a priority? Mr. Cotugno said the City of Portland had adopted this as a priority and was pursuing HUD funds for this project. He explained how this project would roll out. Councilor Burkholder said there were a number of other projects that were not necessarily Metro projects. He explained the role of the delegation. These projects were asking for our own money back. Councilor Park thanked Mr. Cotugno for his work. He noted the cooperation with other jurisdictions.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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7.3 **Resolution No. 04-3417**, For the Purpose of Accepting the Oregon Convention Center expansion CM/GC delivery project report.

Motion:	Councilor Monroe moved to adopt Resolution No. 04-3417.
Seconded:	Councilor McLain seconded the motion

Councilor Monroe said state law allowed for a Construction Manager/General Contractor (CM/GC) method to build this project. State law required a final report when this method was used. That report described the method. We were fulfilling state law by accepting the report today. He was very pleased with the project. He felt our convention center was the most beautiful and one of the most functional. Councilor Newman complemented Mr. Williams and Mr. Blosser for a job well done. He asked if everything that was scoped was completed?

Jeff Blosser, OCC Director, responded that they were able to purchase items that got put on hold. They were still working on signage but that was all that was left to be done. Councilor McLain added her thanks. She felt the report spoke for itself. She pointed out that the State of Oregon understood that this Council was the contract review board for the convention center. She noted that our COO was looking at contracting issues. She felt this was a good example to consider

when having those contract discussions. Councilor Park agreed that they had done a good job bringing it under budget. He asked Mr. Blosser to speak to how we were doing with the shows this year? Mr. Blosser said they were seeing an upturn with shows coming back. 2005 looked strong. 2006 was a bit weaker than they liked and 2007-08 was looking good. He felt Portland was back on the map. The space supplemented the business that came in. Mark Williams, MERC Manager, said Mr. Blosser was working very hard to cover all of the dates. There was a hip/hop concert planned. They were working hard with our local community. Councilor McLain mentioned that she had heard a lot of complements on the festival of trees. She added that she was looking forward to meeting with the MERC Commission on March 10th. Council President Bragdon said one of the things they would be seeing was a benchmark report on our facility. This was a premiere facility. Councilor Monroe said one of the most beautiful city had one of the most beautiful convention centers. We were today accepting that report.

Vote:

Councilors Park, Hosticka, Burkholder, McLain, Monroe, Newman and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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10. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordan, COO, reminded Council they were scheduled for a retreat on February 25th.

11. COUNCILOR COMMUNICATION

Councilor Monroe said today was the 195th of he birthday of Abraham Lincoln.

Councilor Park said he had two letters concerning reauthorization of TEA-21. Councilor Burkholder spoke to the first letter and asked if Council wished to include the letter to go with the resolutions just adopted. There was no objection. Councilor Park said the second letter had to do with recognition that the Sellwood Bridge was in need of repair and upgrading. JPACT recommended including the funding for the Sellwood Bridge. There were no objections to signing the letter. Councilor Monroe clarified the project was to replace the bridge. Councilor Newman said he was in support of the letter and the project. Councilors talked about the design of the proposed bridges. Councilor Park talked about an un-drafted letter concerning freight. There may be a third letter coming forward to Council in the future.

Council President Bragdon said he would be addressing the Portland City Club tomorrow on the State of the Region. He would be talking about some of the investments, centers revitalization, and the new Land Conservation and Development Commission (LCDC) structure. Councilor Hosticka said this was a good broad long visionary view. He urged alerting people to the public hearing process in March and April.

12. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 3:55 p.m.

Prepared by

Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF FEBRUARY 12,
 2004**

Item	Topic	Doc Date	Document Description	Doc. Number
4.1	Minutes	2/5/04	Minutes of the Regular Metro Council Meeting of February 5, 2004	021204c-01
3	Power Point Presentation	2.12.04	To: Metro Council From: Alexis Dow, Metro Auditor Re: Status of Audit Recommendations – 2003	021204c-02
5	Amendments	2/11/04	To: Metro Council From: Brenda Bernards, Planning Department Re: Amendments to the 2003 Compliance Report and Compliance Matrix	021204c-03
5	Amendments	2/9/04	To: Metro Council From: Gerry Uba, Planning Department Re: Amendments to the Title 7 (Affordable Housing) component of the Metro 2003 Compliance Report	021204c-04
5	Letter	2/12/04	To: Metro Council From: Jamison Cavallaro, Oregon Alliance for Land Use and Affordable Housing Re: Statement of their mission, fundamentalism, responses and requests	021204c-05
5	Metro Assessment of Progress	2/12/04	To: Metro Council From: Al Burns, City of Portland Bureau of Planning Re: Metro Assessment of Progress	021204c-06
8.1	Resolution	2/12/04	Resolution No. 04-3409A	021204c-07
8.2	Resolution	2/12/04	Resolution No. 04-3410A	021204c-08
10	Excepts from Remarks to the Portland City Club	2/13/04	To: Metro Council From: David Bragdon, Council President Re: State of the Region Excepts of Speech	021204c-09
10	Letter	2/12/04	To: Stuart Foster, Chair of Oregon Transportation Commission Members From: David Bragdon, Council President and Rod Park, JPACT Chair Re: Bridge project supported by JPACT and Metro	021204c-10
10	Letter	2/12/04	To: Ron Wyden and Gordon Smith From: David Bragdon and Rod Park Re: Support for Rail projects in the Reauthorization of TEA-21	021204c-11

Ordinance No. 04-1034, For the Purpose of Annexing into the Metro District Boundary Approximately 202.9 acres at Evergreen and Shute Roads in the City of Hillsboro, and Declaring an Emergency.

First Reading

Metro Council Meeting
Thursday, February 19, 2004
Beaverton Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING INTO THE) ORDINANCE NO. 04-1034
METRO DISTRICT BOUNDARY)
APPROXIMATELY 202.9 ACRES AT)
EVERGREEN AND SHUTE ROADS IN THE)
CITY OF HILLSBORO AND DECLARING AN) Introduced by Councilor McLain
EMERGENCY)

WHEREAS, Metro has received a petition from property owners and registered electors to annex approximately 202.9 acres of land in the vicinity of the intersection of Evergreen and Shute Roads in the City of Hillsboro to the Metro district boundary; and

WHEREAS, this annexation involves territory that was added to the urban growth boundary by Ordinance No. 02-983B (“For The Purpose Of Amending The Metro Urban Growth Boundary To Add Land For A Specific Type Of Industry Near Specialized Facilities North Of Hillsboro”) on December 5, 2002, and acknowledged by the Land Conservation and Development Commission on June 2, 2003; and

WHEREAS, the annexation has been initiated by the owners of the property in the territory and involves territory contiguous to the district boundary; and

WHEREAS, notification of this proposed annexation was published on January 23, 2004, as required by Metro Code 3.09.030; and

WHEREAS, Metro has received written consent from a majority of the owners of the land and a majority of the electors in the territory; and

WHEREAS, no necessary party has contested the annexation; and

WHEREAS, the Metro Council held a hearing on the proposed annexation on March 4, 2004 to consider a report on the petition and to consider testimony; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The territory described in Exhibit A, attached and incorporated into this ordinance, is hereby annexed to the Metro district boundary.
2. Approval of this annexation is based upon the findings of fact and conclusions of law set forth in Exhibit B, attached and incorporated into this ordinance.
3. Pursuant to Metro Code 3.09.050(f), this annexation is effective immediately upon adoption of this ordinance.

4. This ordinance is necessary for the immediate preservation of public health, safety and welfare because annexation to the district is a pre-requisite to urbanization of this territory, added to the urban growth boundary to satisfy a short-term need for a particular type of industrial land. An emergency is therefore declared to exist, and this ordinance shall take effect immediately, pursuant to Metro Charter Section 39(1).

ADOPTED by the Metro Council this ____ day of _____ 2004.

David Bragdon, Council President

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, Metro Attorney

Exhibit A to Ordinance 04-1034
Annexation AN-1014
Legal description

A tract of land in Section 21 and Section 22, Township 1 North, Range 2 West, Willamette Meridian, Washington County, Oregon, being more particularly described as follows:

Commencing at the southeast corner of the Constable Donation Land Claim No. 71;

thence North 89° 31' West, along the south boundary of said claim, a distance of 290.0 feet;

thence North 0°29' East, a distance of 45.0 feet to a point on the north right-of-way line of NW Evergreen Road and the TRUE POINT OF BEGINNING;

thence North 89° 31' West, along said right-of-way line, a distance of 1030.09 feet to an angle point in said right-of-way being on the east boundary of Lot 17, Five Oaks, a duly recorded subdivision in said county

thence South 0°29'00" West, along said east boundary and right-of-way line, a distance of 25.0 feet to an angle point therein;

thence North 89°31'00" West, along said right-of-way line, a distance of 401.33 feet to a point on the east boundary of that tract of land conveyed to Robert A. Nicholas and Dona L. Garriott by deed recorded June 8, 1995 as Document No. 95039176 in Deed Records of said county;

thence North 89°31'00" West, continuing along said right-of-way line, a distance of 195.00 feet to the west boundary of said tract;

thence North 89°31'00" West, along said north right of way line, a distance of 778.74 feet;

thence North 0°29' East, a distance of 25.0 feet;

thence South 89°31'00" East, parallel with the centerline of Evergreen Road, a distance of 30.07 feet;

thence along a 25 foot radius curve, to the left, with a central angle 90° 09' 17" , an arc distance of 39.34 to a point on the west right-of- way line of Northwest 253rd Avenue;

thence North 0°19'43" East, along said west right of way line, a distance of 1249.93 feet to an angle point in said right-of-way line, also being a point on the north boundary of Lot 15, Five Oaks;

thence South 89°40'17" East, along said boundary, a distance of 5.0 feet to a point on the west right of way line of said Northwest 253rd Avenue (C.R. 1054);

thence North $0^{\circ}19'43''$ East, along said west right of way line, a distance of 1413.26 feet to a point on the north right-of-way line of an unnamed road, abutting Lots 3 and 4 as shown on the plat of Five Oaks;

thence South $89^{\circ}29'20''$ East, along said right of way line, a distance of 319.10 feet to an angle point therein and a point on the west boundary of Lot 2, Five Oaks;

thence South $0^{\circ}30'40''$ West, along said right-of-way line, a distance of 20.0 feet to the southwest corner of Lot 2, Five Oaks;

thence South $89^{\circ}29'20''$ East, along the south boundary of said lot, a distance of 716.76 feet to the southeast corner thereof;

thence North $0^{\circ}43'$ East, along the east boundary of said lot, a distance of 1218.5 feet to the northwest corner of that tract of land described in deed to Keith A. and Rebecca Lee Berger, recorded 12/30/1992 as document number 92093488;

thence South $89^{\circ}32'00''$ East, along the north boundary of said tract, a distance of 1563.20 feet to a point on the west right-of-way line of Shute Road, being 45.0 feet from the centerline thereof;

thence South $0^{\circ}35'50''$ West, along said right-of-way line, a distance of 2568.16 feet to an angle point therein;

thence North $89^{\circ}24'10''$ West, along said right-of-way line, a distance of 25.0 feet to an angle point therein.

thence South $0^{\circ}35'50''$ West, along said right-of-way line, a distance of 1148.57 feet to a point of curvature therein;

thence along the arc of a 220.0 foot radius curve to the right, through a central angle of $90^{\circ}06'50''$, an arc distance of 346.01 feet more or less to the TRUE POINT OF BEGINNING.

Proposal No. AN-0104

1N2W21

Annexation to the Metro Jurisdictional Boundary

Washington Co.



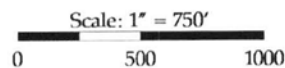
R L I S
REGIONAL LAND INFORMATION SYSTEM



600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1809
Email drc@metro-region.org

- Metro boundary
- Annexation boundary
- Area to be annexed

Proposal No. AN-0104
METRO JURISDICTIONAL BOUNDARY
Figure 1



The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

Annexation AN-0104

K M C

Ken Martin Consulting
 P.O. Box 29079
 Portland, OR 97296-9079
 (503) 222-0955

Annexation to the Metro Jurisdictional Boundary
 Washington Co.
 1N2W21



Annexation AN-0104
 Metro Jurisdictional Boundary
 Figure 2

Exhibit B to Ordinance No. 04-1034

FINDINGS

Based on the study and the public hearing, the Council found:

1. The territory to be annexed contains 202.93 acres and 4 single family dwellings.
2. The annexation is being sought in order to meet the requirement of the City of Hillsboro's Concept Plan that this area be annexed to the District. The Metro Functional Plan requires that the entity responsible for the Concept Plan make annexation to the Metro jurisdictional boundary a requirement of the Plan. Hillsboro annexed the territory and therefore is the entity responsible for the Concept Plan which includes the requirement that the property be annexed to Metro.
3. The map and legal description submitted with this annexation proposal erroneously left out one property which had petitioned for inclusion. That property, Tax Lot 2801, should be included in this annexation. The Council has the authority to modify the proposal to include this property. A new map and legal description have been prepared and the proposed ordinance reflects this modification.
4. Oregon Revised Statute 198.850 (2) directs the Council to consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district.

A second set of criteria can be found in Chapter 3.09 of the Metro Code. That Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The findings and conclusions shall address seven minimum criteria:

1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195 [ORS 195 agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but few are currently in place. Annexation plans are timelines for annexation which can only be done after all required 195 agreements are in place and which must have been voted on by the District residents and the residents of the area to be annexed.]
2. Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party. [A necessary party is governmental entity which is providing or might provide an urban service to the area to be annexed.]
3. Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans.
4. Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional framework or any functional plan.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. The territory lies within the Urban Growth Boundary.
7. Consistency with other applicable criteria for the boundary change in question under state and local law.

The Metro Code also contains a second set of 10 factors which are to be considered where no ORS 195 agreements have been adopted and the boundary change is being contested by a necessary party. This boundary change is not being contested by a necessary party so these additional criteria need not be addressed.

The applicants, with the help of the City of Hillsboro, prepared a detailed response to each of the 7 criteria listed above. These responses are shown below.

Metro Code Section 3.09.050(d)

Metro Code Section 3.09.050(d) identifies seven (7) review criteria applicable to this Shute Road Site Annexation Petition. How the Petition satisfies each criterion is described in the following findings:

1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065.

Finding: Approval of the Annexation Petition to annex the Site to the Metro District would be consistent with, and carry out the intent and stated purposes and objectives of the entire *Hillsboro Urban Service Agreement*. Specifically, it fulfills Sections IV.A and IV.B of the Agreement which generally declare that areas west of the Beaverton/Hillsboro Urban Service Boundary and shown on Map Exhibit C-1 to the Agreement (Map of the Shute Road Site) would become part of the City of Hillsboro Urban Service Area upon its addition to the UGB. Approval of this Annexation Petition will enable the City of Hillsboro to exercise full municipal governance of the Site consistent with the following relevant provisions in the *Hillsboro Urban Service Agreement*:

Section I.B. Hillsboro is “designated as the appropriate provider of services to the citizens residing within (its) boundaries as specified in this Agreement” (emphasis added)

Section I.D. Washington County recognizes the cities and special service districts as the ultimate municipal service providers as specified in this Agreement, and recognizes cities as the “ultimate local governance provider in urban areas. The County also recognizes cities as the ultimate governance provider to the urban area”.

Section I.G.1. Consistent with Sections I.C, I.D and I.E, the County, City and Special Districts agree to develop a program for “the eventual annexation of all urban unincorporated properties into the cities”.

Section I.I. Pursuant to ORS 195.205, the City of Hillsboro “reserve the right and may, subsequent to the enactment of this Agreement, develop an annexation plan or plans in reliance upon this Agreement in accordance with ORS 195.205 to 220”.

Currently, the Site is protected by the Tualatin Valley Fire & Rescue District (TVFR) and the Washington County Fire District No. 2 (Dist. No. 2) which have primary fire protection responsibility for much of rural, unincorporated Washington County. Under the *Hillsboro Urban*

Services Agreement, however, TVRF and Dist. No. 2 and the City of Hillsboro agreed that the City will ultimately be the sole provider of fire protection services to the Site. Under the Agreement, the transition of services from TVFR to the City shall be consistent with an existing Intergovernmental Agreement (*Intergovernmental Urban Services Agreement Relating to Fire and Emergency Services within Subject Territory*) between the parties. (See Exhibit “A” to the Agreement).

Approval of this annexation Petition would be consistent with Exhibit “A” of the *Hillsboro Urban Services Agreement* because it would expedite the transfer of fire protection services to the Site from TVFR and Dist. No. 2 to the City as contemplated by Exhibit “A”. Pursuant to ORS 222.524 the City of Hillsboro determines that upon its annexation to the City withdrawal of the Site from the TVFR and Dist. No.2 service area and subsequent City provision of fire protection services to the Site would be in the best interest of the City.

Currently, the Site is unincorporated rural property within the jurisdiction of, and served by Washington County. Under the *Hillsboro Urban Services Agreement*, the County and City agreed that, before a City annexation plan has been formed, “any single or multiple annexations totaling twenty or more acres” of properties inside the Hillsboro Urban Service Area and west of Cornelius Pass Road do not need to identify and explain how County services for such properties would be transferred to the City pursuant to Exhibit “H” of the Agreement. The terms of Exhibit “H” expressly excludes the annexation of the Shute Road Site from its requirements.

Approval of this annexation Petition nevertheless would be consistent with Exhibit “H” of the *Hillsboro Urban Services Agreement* because it would expedite the transfer of law enforcement, road maintenance, engineering and construction, land use and transportation planning, land development and building services as contemplated by Exhibit “H”. Pursuant to ORS 222.524 the City of Hillsboro determines that upon its annexation to the City assumption of law enforcement, road maintenance, engineering and construction, land use and transportation planning, land development and building services to the Site would be in the best interest of the City.

2. *Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party.*

Finding: Approval of this Annexation Petition would be consistent with the recent completion by Hillsboro of Concept Planning for the Site in accordance with requirements applicable to the Site in Title 11 of the Metro Code pursuant to a City-Washington County Memorandum of Understanding (MOU) which delegated that work to the City of Hillsboro. Annexation Petition approval by Metro, together with the recent annexation of the Site to Hillsboro, would bring the Site fully under Hillsboro’s planning and land use regulatory jurisdiction. In turn, this would allow the City to implement explicit Hillsboro Comprehensive Plan and Zoning Ordinance provisions applicable to the Site that implement a UGB Shute Road Site Concept Plan approved by Metro as in compliance with its Title 11 Concept Plan requirements. This Plan was jointly

prepared by the City and the owners of the Site pursuant to the MOU.

3. *Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans.*

Finding: Approval of this Annexation Petition to add the Site to the Metro District would be consistent with the execution by the City of the following Hillsboro Comprehensive Plan (HCP) policies and implementation measures:

Section 2. Urbanization Policy (IV)(I): Annexation of the Site will enable the City to adopt industrial land use plan and zoning designations with the knowledge that the Site can be adequately served by the public facilities needed to support its high tech industrial use. Therefore, Site annexation would be consistent with the intent and objective of this HCP policy that requires the City to assure that urban development of undeveloped or newly annexed areas will be adequately serviced the necessary public facilities.

Section 2. Urban Implementation Measure (IV)(F): All land in the Hillsboro Planning Area is assumed to be available for annexation and/or development, consistent with the Comprehensive Plan, zoning, subdivision regulations and the Urban Planning Area Agreement. Annexation of the Site will assure the its industrial development will occur subject to these City land use policies and regulations.

Section 10. Economy (III)(B): Annexation of the Site will enable the City to fulfill this HCP policy which directs the City to designate “sufficient industrial land” to provide for “different types of industrial development” and “develop a diverse industrial base”.

Section 12. Public Services Implementation Measures (V)(C)(2): The City shall require properties to annex to the City prior to the provision of sanitary sewer service.

Section 12. Public Services Implementation Measures (V)(D)(2): The City shall require properties in the urban area to annex to the City prior to the provision of water service.

4. *Consistency with specific directly applicable standards and criteria for boundary changes contained in the Regional Framework Plan or any functional plan.*

Finding: According to Policy 7.3, Chapter 7 of the Metro Regional Framework Plan (RFP), the Plan’s policies “shall not apply directly to site-specific land use actions, including amendments of the UGB”. The RFP policies do not apply to local government comprehensive plans, except as they may be incorporated or implemented by provisions in the *Metro Urban Growth Management Functional Plan* .(Functional Plan). Chapters 1-6 of the RFP apply only to Metro functional plans and the management and periodic review of the Metro UGB. There are no “specific, directly applicable standards and criteria for (annexation) boundary changes” in the RFP.

Only Title 11 of the Functional Plan expressly concerns “new urban areas”. Its stated purpose is “to require and guide planning for conversion from rural to urban use of areas brought into the UGB”. Its stated intent is that “development of areas brought into the UGB implement the Regional Framework Plan and 2040 Growth Concept”. It is expressly directed toward planning and guiding the *development* of newly added land to the UGB rather than the orderly transition of such land from rural jurisdictions and public services to urban/municipal jurisdictions and services.

The Functional Plan contains only one provision in its Title 11 component which speaks to annexations and prescribes a directly applicable standard or criterion for an annexation boundary change. Title 11, Section 3.07.1110.A, Interim Protection of Areas Brought into the Urban Growth Boundary, concerns “annexations” of land added to the UGB. It requires local comprehensive plan amendments for land added to the UGB to include “provisions for annexation to the (Metro) district and to a city or any necessary service district prior to urbanization of the territory . . . to provide all required urban services”. By its terms, this Title 11 provision requires local comprehensive plans to assure the provision of adequate public facilities and services to land added to the UGB through annexation of such lands to the Metro District, the affected city and/or any special service district responsible for providing such facilities and services to the land prior to its urban development.

Approval of this annexation Petition will assure, under the provisions of the *Hillsboro Urban Services Agreement*, that the Shute Road Site will be serviced by all the public facilities and services required for its industrial development. The Agreement identifies the public agencies that would be responsible for providing such facilities and services to the Site once it has been included in the UGB.

5. *Whether the proposed (boundary) change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services.*

Finding: Currently, the Site is protected by the Tualatin Valley Fire & Rescue District (TVFR) and the Washington County Fire District No. 2 (Dist. No. 2) which have primary fire protection responsibility for much of rural, unincorporated Washington County. Under the *Hillsboro Urban Services Agreement*, however, TVFR and Dist. No. 2 and the City of Hillsboro agreed that the City will ultimately be the sole provider of fire protection services to the Site. Under the Agreement, the transition of services from TVFR to the City shall be consistent with an existing Intergovernmental Agreement (*Intergovernmental Urban Services Agreement Relating to Fire and Emergency Services within Subject Territory*) between the parties.

All other necessary public facilities and services needed to support high technology industrial development of the Site are readily available and accessible to the Site. This fact is documented before the Metro Council in a Report entitled *Alternative Sites Analysis for the “Shute Road Site” Urban Growth Boundary Amendments* (Johnson Gardner & City of Hillsboro, October, 2002).

The Report describes the Site's access to such facilities and services as follows:

- 6200 feet roadway frontage; 300 feet from Shute Road-Hwy 26 Interchange.
- Adjacent to 2 water supply lines including 66-inch water main within the Site.
- 660 feet from nearest sewer line stub outs; 3 in Shute Road and 2 at nearby Komatsu property line.
- Access to power: 2000 feet travel distance from PGE Sunset Substation.
- Access to special fire protection: 2400 feet from Hillsboro Fire Station No.
- Metro Water serviceability rating: easy to serve.
- Metro Sewer serviceability rating: easy to serve.
- Metro Storm water serviceability rating: moderately difficult to serve.

The necessary public services and facilities can be provided to the Site without interrupting or interfering with existing the provision of such services to other nearby industrial sites as confirmed by a *Shute Road Site Conceptual Public Facilities Plan* (Group MacKenzie, Inc, 2003) which is also incorporated by reference as a part of the Findings in support of this annexation Petition.

6. The Territory lies within the Urban Growth Boundary; and

Finding: On December 5, 2002, Metro approved Ordinance 02-983B which added approximately 203 acres to the Urban Growth Boundary to meet a special identified regional need to provide large lots (50+ acres) for high technology industrial uses.

7. Consistency with other applicable criteria for the boundary change in question under state law and local law.

Finding: Annexation Petitions to Metro and local governments are permitted by ORS 222.111(2) and governed generally by ORS 222.111 et seq. While ORS 222.111(5) generally requires annexations to be submitted to the electors, ORS 222.125 permits the Metro and the City:

“ . . . not to call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing (on the annexation) otherwise required by ORS.222.120 when all of the owners of landing that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation”.

Approval of this annexation Petition would be consistent with the applicable provisions in ORS

222.111. In accordance with Metro Code Section 3.09.045(a) and ORS 222.125, this Annexation Petition is supported by the written consent of 100% of the owners and electors residing on the properties to be annexed to the Metro District

5. The site is basically flat. Most of the large parcels within the site (totaling approximately 197.7 acres) have been in dry field crop cultivation and production for decades. Approximately 155 acres of the 197.7 acres are leased by the owners to a corporate farming operation while the remaining 42 acres are owned and farmed by the same farming operation. The smaller remaining parcels within the site average around 2 acres in size and are occupied by rural dwelling and related accessory structures.

The northwest portion of the site contains a forested area of approximately 13.5 acres. A BPA power line crosses the site east to west below the Waible Creek tributary which is located on the northern portion of the site. The site is adjacent to existing high tech companies, and business that supply materials or energy to these companies, across NW Shute Road to the east and NW Evergreen Road to the south.

NW Shute Road and NW Evergreen Road, adjacent to the site on the east and south, respectively, are both identified as Arterial Streets in the City of Hillsboro Transportation System Plan (TSP) and Washington County Transportation System Plan.

Because the site was outside the City Limits at the time it was adopted, the Hillsboro Goal 5 Natural Resource Program does not identify the Waible Creek Tributary and 13.5-acre forested area as “significant” Goal 5 resources. However, the adopted Concept Plan for the site (which was incorporated into the City’s Comprehensive Plan by Ordinance No. 5330) commits the City to apply City “Level – 1” Goal 5 Program protections of the tributary and 13.5-acre forested area should development within the site affect or impact these natural resources.

A portion of the 29.97-acres parcel of land (Tax Map 1N-2-21, Lot 2800) situated at the intersection of NW Evergreen Road and NW 253rd Street contains evidence of once containing small wetlands areas. These areas are subject to wetland regulations of the Oregon Division of State Lands. The southern two-thirds of the Site is within the 250-foot area of potential impact on the Clean Water Services Sensitive Areas Pre-Screen Map.

The surrounding area is characterized in the table below.

Table 1. Surrounding Land Uses

Area	Plan	Zoning	Land Uses
North	County – Outside UGB	County EFU – Exclusive Farm Use District	SFR – Large Lot Farmland
East	IN – Industrial FP – Floodplain	M-P (PUD) M-P	Farmland Industrial Park
South	IN - Industrial	M-P (PUD) M-P	Farmland Industrial Buildings
West	County – Outside UGB	County EFU – Exclusive Farm Use District	Farmland

6. This territory abuts the Metro jurisdictional boundary on the east along NW Shute Road and on the south along NW Evergreen Road.

The law that dictates that Metro adopt criteria for boundary changes requires those criteria to include "... compliance with adopted regional urban growth goals and objectives, functional plans ... and the regional framework plan of the district [Metro]." The Framework Plan (which includes the regional urban growth goals and objectives and the 2040 Growth Concept) has been examined and found not to contain any directly applicable standards and criteria for boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Plan and the Regional Transportation Plan.

The Urban Growth Management Functional Plan contains only one provision in it (Title 11 component) which speaks to annexations and prescribes a directly applicable standard or criterion for an annexation boundary change. Title 11, Section 3.07.1110.A, Interim Protection of Areas Brought into the Urban Growth Boundary, concerns "annexations" of land added to the UGB. It requires local comprehensive plan amendments for land added to the UGB to include "provisions for annexation to the (Metro) district and to a city or any necessary service district prior to urbanization of the territory ... to provide all required urban services". By its terms, this Title 11 provision requires local comprehensive plans to assure the provision of adequate public facilities and services to land added to the UGB through annexation of such lands to the Metro District, the affected city and/or any special service district responsible for providing such facilities and services to the land prior to its urban development.

The Regional Transportation Plan was examined and found not to contain any directly applicable standards and criteria for boundary changes.

This area was added to the UGB by the Metro Council in December, 2002 (Metro Ordinance No. 02-983B). The rationale for that addition was to meet a special identified need to provide large lots (50+ acres) for high technology industrial uses.

7. On November 18, 2003, approximately 201 acres within the site was annexed to the City of Hillsboro with full consent of all owners of the parcels annexed. (Hillsboro Ordinance No. 5325). Owners of tax lot 1N-2-21, Lot 2801 (1.91 acres) within the site elected not to annex to the City of Hillsboro although they have given their consent to annexing the 1.91 acres to the Metro District.

The territory was also added to the City's Comprehensive Plan as "Industrial" land (Hillsboro Ordinance No. 5330) and rezoned by the City from County exclusive farm use zone to City M-P, Industrial Park and SSID, Shute Road Site Special Industrial District (Hillsboro Ordinance No. 5331) on December 2, 2003.

8. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements.

The Site is located within the Hillsboro Urban Service Area identified in the *Hillsboro Urban Service Agreement* (April, 2003) between and among the City of Hillsboro, Washington County, the City of Beaverton, Metro and several special service districts. Upon annexation to the City of Hillsboro, under the provisions of the *Hillsboro Urban Services Agreement*, the Shute Road Site will be serviced by all the public facilities and services required for its industrial development. The Agreement identifies the public agencies that would be responsible for providing such facilities and services to the Site once it has been included in the UGB and the City of Hillsboro.

Before its annexation to the City, the Site lay within the existing service areas of Washington County (for law enforcement, road maintenance, engineering and construction, land use and transportation planning, land development and building services), and the Tualatin Valley Fire & Rescue District (TVFD) and Washington County Fire District No. 2 (for fire protection and emergency services) and these parties to the Hillsboro Urban Service Agreement have agreed that these services would ultimately be provided by the City of Hillsboro. Under the *Hillsboro Urban Services Agreement*, however, TVFD and Dist. No. 2 and the City of Hillsboro agreed that the City will ultimately be the sole provider of fire protection services to the Site. Transition of services from TVFD to the City shall be consistent with an existing Intergovernmental Agreement (*Intergovernmental Urban Services Agreement Relating to Fire and Emergency Services within Subject Territory*) between the parties.

Water, sanitary sewer and storm drainage services are available as noted below.

Table 2. Available Public Facility Services

<u>Service</u>	<u>Provider</u>	<u>Size</u>	<u>Location</u>	<u>Distance from Site</u>
Water	City	16" to 18"	NW Shute Road	Adjacent
	CWS	66"	NW Evergreen Road	Adjacent
Sanitary	City	15"	Intersection Shute/Evergreen	Adjacent–Southeast
Sewer	City	24"	NW Huffman Street	Adjacent–East
Storm	City	12" to 30"	NW Shute Road	Adjacent
Drain	City	21"	NW Evergreen Road	Adjacent
	City	8" to 12"	NW Evergreen Road	Adjacent

All other necessary public facilities and services needed to support high technology industrial development of the site are readily available from the City and accessible and can be provided without interrupting or interfering with nearby service users.

ORS 195 also provides for a new method of annexation based on an annexation plan which has been voted on by the residents of a governmental entity and the residents of the area the entity intends to annex. No such plans cover this area.

9. Metro provides a number of services on the regional level. Primary among these is regional land use planning and maintenance of the regional Urban Growth Boundary. Metro has provided this service to this site through the process of reviewing and approving the inclusion of this area in the UGB.

Metro provides some direct park service at what are basically regional park facilities and has an extensive green spaces acquisition program funded by the region's voters. Metro is responsible for solid waste disposal including the regional transfer stations and contracting for the ultimate disposal at Arlington. The District runs the Oregon Zoo and other regional facilities such as the Convention Center and the Performing Arts Center. These are all basically regional services provided for the benefit of and paid for by the residents within the region. These facilities are funded through service charges, excise taxes and other revenues including a small tax base for operating expenses at the Zoo and tax levies for bonded debt.

Metro has no service agreements with local governments that would be relative to district annexation in general or to this particular site.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Council concluded:

1. Oregon Revised Statutes 198 requires the Council to consider the local comprehensive plan when deciding a boundary change. The Metro Code at 3.09.050 (d) (3) calls for consistency between the Council decision and any "specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans . . ." The Council has reviewed the applicable comprehensive plan which is the Hillsboro Comprehensive Plan and finds that it contains no directly applicable criteria for making district boundary change decisions.
2. Oregon Revised Statutes 198 also requires consideration of "any service agreement executed between a local government and the affected district." As noted in Finding No. 9 Metro has no relevant service agreements.
3. Metro Code 3.09.050 (d) (1) requires the Council to address the consistency between its decision and any directly applicable provisions of any urban service agreement or annexation plan under ORS 195.065. The Council finds that approval of the proposal to annex the site to the Metro District would be consistent with, and carry out the intent and stated purposes and objectives of the entire *Hillsboro Urban Service Agreement*. Specifically, it fulfills Sections IV.A and IV.B of the Agreement which generally declare that areas west of the Beaverton/Hillsboro Urban Service Boundary and shown on Map Exhibit C-1 to the Agreement (Map of the Shute Road Site) would become part of the City of Hillsboro Urban Service Area upon its addition to the UGB.
4. The Metro Code calls for consideration of any directly applicable standards or criteria to be found in urban planning area agreements between the affected entity (Metro) and a necessary party. There are no urban planning area agreements between Metro and any necessary party.
5. The Metro Code at 3.09.050 (d) (4) calls for consistency between the Council decision and any "specific directly applicable standards or criteria for boundary changes contained in . . . regional framework and functional plans . . ." As noted in Finding No. 6 there are no directly applicable criteria in Metro's regional framework plan or in the adopted Regional Transportation Plan. Within the Urban Growth Management Functional Plan is found the requirement that the entity adopting comprehensive planning designations for lands brought into the urban growth boundary needs to also require annexation to the Metro jurisdictional boundary. The Council finds this annexation proposal consistent with that criteria.
6. Metro Code 3.09.050 (e) (5) states that another criteria to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services." The Council finds that the provision of public facilities and services to this area has already been addressed within the Hillsboro Urban Services Agreement and by virtue of the fact that the City of Hillsboro either directly or through agreements can provide all necessary services.

7. Metro Code 3.09.050 (d) (6) establishes inclusion of the territory within the Urban Growth Boundary as one criteria for any annexation subject to the Metro rules. The Council has made such a determination as noted in Finding No. 6. Therefore the Council finds this proposed annexation to be consistent with that criteria.
8. The final criteria to be considered under the Metro Code 3.09.050 (d) (7) is consistency with other applicable criteria under state and local law. The applicable criteria under state law were covered in Reasons No. 1 & 2 above. No other local laws applying to this annexation were found to exist.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 04-1034 FOR THE PURPOSE OF ANNEXING INTO THE METRO DISTRICT BOUNDARY APPROXIMATELY 202.9 ACRES AT EVERGREEN AND SHUTE ROADS IN THE CITY OF HILLSBORO AND DECLARING AN EMERGENCY

Date: February 4, 2004

Prepared by: Ken Martin, Annexation Staff

SECTION I: APPLICATION SUMMARY

CASE: AN-0104, Annexation To Metro Jurisdictional Boundary

APPLICANT: 100% Owners/Voters of Eleven Properties

PROPOSAL: The petitioners are requesting annexation to the Metro boundary following the Metro Council's addition of the property to the Urban Growth Boundary in December, 2002 and the City of Hillsboro's annexation of the bulk of the property in November, 2003.

LOCATION: The territory is located on the northwest edge of the District on the west edge of NW Shute Road and the north edge of NW Evergreen Road. (See Figure 1).

PLAN/ZONING Industrial/M-P, Industrial Park and SSID, Shute Road Site Special Industrial District

APPLICABLE REVIEW CRITERIA: ORS Chapter 198, Metro Code 3.09

SECTION II: STAFF RECOMMENDATION

Staff recommends adoption of Ordinance No. 04-1034 approving Annexation Proposal No. AN-0104, annexation to the Metro district boundary.

SECTION III: BACKGROUND INFORMATION

Initiation: Proposal No. AN-0104 was initiated by a consent petition of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 198.855 (3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040 (a) (which lists minimum requirements for petition).

Site Information: The territory is located on the northwest edge of the District on the west edge of NW Shute Road and the north edge of NW Evergreen Road. The territory contains 202.93 acres and 4 single family dwellings.

REASON FOR ANNEXATION

The annexation is being sought in order to meet the requirement of the City of Hillsboro's Concept Plan that this area be annexed to the District. The Metro Functional Plan requires that the entity responsible for the Concept Plan make annexation to the Metro jurisdictional boundary a requirement of the Plan. Hillsboro annexed the territory and therefore is the entity responsible for the Concept Plan which includes the requirement that the property be annexed to Metro.

PROPOSED MODIFICATION

The map and legal description submitted with this annexation proposal erroneously left out one property which had petitioned for inclusion. That property, Tax Lot 2801, should be included in this annexation. The Council has the authority to modify the proposal to include this property. A new map and legal description have been prepared and the proposed ordinance reflects this modification.

CRITERIA

Oregon Revised Statute 198.850 (2) directs the Council to consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district.

A second set of criteria can be found in Chapter 3.09 of the Metro Code. That Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The findings and conclusions shall address seven minimum criteria:

1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195 [ORS 195 agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but few are currently in place. Annexation plans are timelines for annexation which can only be done after all required 195 agreements are in place and which must have been voted on by the District residents and the residents of the area to be annexed.]
2. Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party. [A necessary party is governmental entity which is providing or might provide an urban service to the area to be annexed.]
3. Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans.
4. Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional framework or any functional plan.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. The territory lies within the Urban Growth Boundary.
7. Consistency with other applicable criteria for the boundary change in question under state and local law.

The Metro Code also contains a second set of 10 factors which are to be considered where no ORS 195 agreements have been adopted and the boundary change is being contested by a necessary party. This boundary change is not being contested by a necessary party so these additional criteria need not be addressed.

The applicants, with the help of the City of Hillsboro, have prepared a detailed response to each of the 7 criteria listed above. These responses are attached as Attachment 1.

LAND USE PLANNING

SITE CHARACTERISTICS

The site is basically flat. Most of the large parcels within the Site (totaling approximately 197.7 acres) have been in dry field crop cultivation and production for decades. Approximately 155 acres of the 197.7 acres are leased by the owners to a corporate farming operation while the remaining 42 acres are owned and farmed by the same farming operation. The smaller remaining parcels within the Site average around 2 acres in size and are occupied by rural dwelling and related accessory structures.

The northwest portion of the Site contains a forested area of approximately 13.5 acres. A BPA power line crosses the Site east to west below the Waible Creek tributary which is located on the northern portion of the Site. The Site is adjacent to existing high tech companies, and business that supply materials or energy to these companies, across NW Shute Road to the east and NW Evergreen Road to the south.

NW Shute Road and NW Evergreen Road, adjacent to the Site on the east and south, respectively, are both identified as Arterial Streets in the City of Hillsboro Transportation System Plan (TSP) and Washington County Transportation System Plan.

Because the Site was outside the City Limits at the time it was adopted, the Hillsboro Goal 5 Natural Resource Program does not identify the Waible Creek Tributary and 13.5-acre forested area as “significant” Goal 5 resources. However, the adopted Concept Plan for the Site (which was incorporated into the City’s Comprehensive Plan by Ordinance No. 5330) commits the City to apply City “Level – 1” Goal 5 Program protections of the Tributary and 13.5-acre forested area should development within the Site affect or impact these natural resources.

A portion of the 29.97-acre parcel of land (Tax Map 1N-2-21, Lot 2800) situated at the intersection of NW Evergreen Road and NW 253rd Street contains evidence of once containing small wetlands areas. These areas are subject to wetland regulations of the Oregon Division of State Lands. The southern two-thirds of the Site is within the 250-foot area of potential impact on the Clean Water Services Sensitive Areas Pre-Screen Map.

The surrounding area is characterized in the table below.

Table 1. Surrounding Land Uses

Area	Plan	Zoning	Land Uses
North	County – Outside UGB	County EFU – Exclusive Farm Use District	SFR – Large Lot Farmland
East	IN – Industrial FP – Floodplain	M-P (PUD) M-P	Farmland Industrial Park
South	IN - Industrial	M-P (PUD) M-P	Farmland Industrial Buildings
West	County – Outside UGB	County EFU – Exclusive Farm Use District	Farmland

REGIONAL PLANNING

This territory abuts the Metro jurisdictional boundary on the east along NW Shute Road and on the south along NW Evergreen Road.

Regional Framework Plan

The law that dictates that Metro adopt criteria for boundary changes requires those criteria to include "... compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." The Framework Plan (which includes the regional urban growth goals and objectives and the 2040 Growth Concept) has been examined and found not to contain any directly applicable standards and criteria for boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Plan and the Regional Transportation Plan.

The Urban Growth Management Functional Plan contains only one provision in its Title 11 component which speaks to annexations and prescribes a directly applicable standard or criterion for an annexation boundary change. Title 11, Section 3.07.1110.A, Interim Protection of Areas Brought into the Urban Growth Boundary, concerns "annexations" of land added to the UGB. It requires local comprehensive plan amendments for land added to the UGB to include "provisions for annexation to the (Metro) district and to a city or any necessary service district prior to urbanization of the territory . . . to provide all required urban services". By its terms, this Title 11 provision requires local comprehensive plans to assure the provision of adequate public facilities and services to land added to the UGB through annexation of such lands to the Metro District, the affected city and/or any special service district responsible for providing such facilities and services to the land prior to its urban development.

The Regional Transportation Plan was examined and found not to contain any directly applicable standards and criteria for boundary changes.

Urban Growth Boundary Change

This area was added to the UGB by the Metro Council in December, 2002 (Metro Ordinance No. 02-983B). The rationale for that addition was to meet a special identified need to provide large lots (50+ acres) for high technology industrial uses.

CITY PLANNING

On November 18, 2003, approximately 201 acres within the site was annexed to the City of Hillsboro with full consent of all owners of the parcels annexed to the City via a City-initiated annexation. (Hillsboro Ordinance No. 5325). Owners of tax lot 1N-2-21, Lot 2801 (1.91 acres) within the site elected not to annex to the City of Hillsboro although they have given their consent to annexing the 1.91 acres to the Metro District.

The territory was also added to the City's Comprehensive Plan as "Industrial" land (Hillsboro Ordinance No. 5330) and rezoned by the City from County exclusive farm use zone to City M-P, Industrial Park and SSID, Shute Road Site Special Industrial District (Hillsboro Ordinance No. 5331) on December 2, 2003.

FACILITIES AND SERVICES

ORS 195 Agreements. This statute requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements.

The Site is located within the Hillsboro Urban Service Area identified in the *Hillsboro Urban Service Agreement* (April, 2003) between and among the City of Hillsboro, Washington County, the City of Beaverton, Metro and several special service districts. Upon annexation to the City of Hillsboro, under the provisions of the *Hillsboro Urban Services Agreement*, the Shute Road Site will be serviced by all the public facilities and services required for its industrial development. The Agreement identifies the public agencies that would be responsible for providing such facilities and services to the Site once it has been included in the UGB and the City of Hillsboro.

Before its annexation to the City, the Site lay within the existing service areas of Washington County (for law enforcement, road maintenance, engineering and construction, land use and transportation planning, land development and building services), and the Tualatin Valley Fire & Rescue District (TVFD) and Washington County Fire District No. 2 (for fire protection and emergency services) and these parties to the Hillsboro Urban Service Agreement have agreed that these services would ultimately be provided by the City of Hillsboro. Under the *Hillsboro Urban Services Agreement*, however, TVFD and Dist. No. 2 and the City of Hillsboro agreed that the City will ultimately be the sole provider of fire protection services to the Site. Transition of services from TVFD to the City shall be consistent with an existing Intergovernmental Agreement (*Intergovernmental Urban Services Agreement Relating to Fire and Emergency Services within Subject Territory*) between the parties.

Water, sanitary sewer and storm drainage services are available as noted below.

Table 2. Available Public Facility Services

<u>Service</u>	<u>Provider</u>	<u>Size</u>	<u>Location</u>	<u>Distance from Site</u>
Water	City	16" to 18"	NW Shute Road	Adjacent
	CWS	66"	NW Evergreen Road	Adjacent
Sanitary	City	15"	Intersection Shute/Evergreen	Adjacent–Southeast
Sewer	City	24"	NW Huffman Street	Adjacent–East
Storm	City	12" to 30"	NW Shute Road	Adjacent
Drain	City	21"	NW Evergreen Road	Adjacent
	City	8" to 12"	NW Evergreen Road	Adjacent

All other necessary public facilities and services needed to support high technology industrial development of the site are readily available from the City and accessible and can be provided without interrupting or interfering with nearby service users.

ORS 195 also provides for a new method of annexation based on an annexation plan which has been voted on by the residents of a governmental entity and the residents of the area the entity intends to annex. No such plans cover this area.

Metro Services. Metro provides a number of services on the regional level. Primary among these is regional land use planning and maintenance of the regional Urban Growth Boundary. Metro has provided this service to this site through the process of reviewing and approving the inclusion of this area in the UGB.

Metro provides some direct park service at what are basically regional park facilities and has an extensive green spaces acquisition program funded by the region's voters. Metro is responsible for solid waste disposal including the regional transfer stations and contracting for the ultimate disposal at Arlington. The District runs the Oregon Zoo and other regional facilities such as the Convention Center and the Performing Arts Center. These are all basically regional services provided for the benefit of and paid for by the residents within the region. These facilities are funded through service charges, excise taxes and other revenues including a small tax base for operating expenses at the Zoo and tax levies for bonded debt.

Metro has no service agreements with local governments that would be relative to district annexation in general or to this particular site.

SECTION IV: ANALYSIS/INFORMATION

1. **Known Opposition** - There is no known opposition to this annexation. No one has contacted staff on this matter despite extensive notification which included posting and publishing of notices and notices to surrounding property owners. There was no opposition to the UGB change.
2. **Legal Antecedents** - This annexation is a follow-up to the UGB change passed by the Council as Ordinance 02-983B. The annexation is being processed under provisions of ORS 198 and Metro Code 3.09.
3. **Anticipated Effects** - No significant effect is anticipated. The uses allowed on this site will be under the control of the City of Hillsboro and as anticipated by the Metro UGB expansion.
4. **Budget Impacts** - None

SECTION V: SUMMARY AND RECOMMENDATION

This petition seeks to annex approximately 202.93 acres of land into the Metro district boundary in order to meet the requirement of the City of Hillsboro's Concept Plan that this area be annexed to the District. Based on the study above and the proposed Findings and Reasons For Decision found in Exhibit B, the staff recommends that Ordinance No. 04-1034 be approved.

ATTACHMENT 1 TO STAFF REPORT FOR ORDINANCE 04-1034

APPLICANT'S PROPOSED FINDINGS

Metro Code Section 3.09.050(d)

Metro Code Section 3.09.050(d) identifies seven (7) review criteria applicable to this Shute Road Site Annexation Petition. How the Petition satisfies each criterion is described in the following findings:

1. *Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065.*

Finding: Approval of the Annexation Petition to annex the Site to the Metro District would be consistent with, and carry out the intent and stated purposes and objectives of the entire *Hillsboro Urban Service Agreement*. Specifically, it fulfills Sections IV.A and IV.B of the Agreement which generally declare that areas west of the Beaverton/Hillsboro Urban Service Boundary and shown on Map Exhibit C-1 to the Agreement (Map of the Shute Road Site) would become part of the City of Hillsboro Urban Service Area upon its addition to the UGB. Approval of this Annexation Petition will enable the City of Hillsboro to exercise full municipal governance of the Site consistent with the following relevant provisions in the *Hillsboro Urban Service Agreement*:

Section I.B. Hillsboro is “designated as the appropriate provider of services to the citizens *residing within (its) boundaries as specified in this Agreement*” (emphasis added)

Section I.D. Washington County recognizes the cities and special service districts as the ultimate municipal service providers as specified in this Agreement, and recognizes cities as the “ultimate local governance provider in urban areas. The County also recognizes cities as the ultimate governance provider to the urban area”.

Section I.G.1. Consistent with Sections I.C, I.D and I.E, the County, City and Special Districts agree to develop a program for “the eventual annexation of all urban unincorporated properties into the cities”.

Section I.I. Pursuant to ORS 195.205, the City of Hillsboro “reserve the right and may, subsequent to the enactment of this Agreement, develop an annexation plan or plans in reliance upon this Agreement in accordance with ORS 195.205 to 220”.

Currently, the Site is protected by the Tualatin Valley Fire & Rescue District (TVFR) and the Washington County Fire District No. 2 (Dist. No. 2) which have primary fire protection responsibility for much of rural, unincorporated Washington County. Under the *Hillsboro Urban Services Agreement*, however, TVRF and Dist. No. 2 and the City of Hillsboro agreed that the City will ultimately be the sole provider of fire protection services to the Site. Under the Agreement, the transition of services from TVFR to the City shall be consistent with an existing Intergovernmental Agreement (*Intergovernmental Urban Services Agreement Relating to Fire and Emergency Services within Subject Territory*) between the parties. (See Exhibit “A” to the Agreement).

Approval of this annexation Petition would be consistent with Exhibit “A” of the *Hillsboro Urban Services Agreement* because it would expedite the transfer of fire protection services to the Site from TVFR and Dist. No. 2 to the City as contemplated by Exhibit “A”. Pursuant to ORS 222.524 the City of Hillsboro determines that upon its annexation to the City withdrawal of the Site from the TVFR and Dist. No.2 service area and subsequent City provision of fire protection services to the Site would be in the best interest of the City.

Currently, the Site is unincorporated rural property within the jurisdiction of, and served by Washington County. Under the *Hillsboro Urban Services Agreement*, the County and City agreed that, before a City annexation plan has been formed, “any single or multiple annexations totaling twenty or more acres” of properties inside the

Hillsboro Urban Service Area and west of Cornelius Pass Road do *not* need to identify and explain how County services¹ for such properties would be transferred to the City pursuant to Exhibit “H” of the Agreement. The terms of Exhibit “H” expressly excludes the annexation of the Shute Road Site from its requirements.

Approval of this annexation Petition nevertheless would be consistent with Exhibit “H” of the *Hillsboro Urban Services Agreement* because it would expedite the transfer of law enforcement, road maintenance, engineering and construction, land use and transportation planning, land development and building services as contemplated by Exhibit “H”. Pursuant to ORS 222.524 the City of Hillsboro determines that upon its annexation to the City assumption of law enforcement, road maintenance, engineering and construction, land use and transportation planning, land development and building services to the Site would be in the best interest of the City.

2. *Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party.*

Finding: Approval of this Annexation Petition would be consistent with the recent completion by Hillsboro of Concept Planning for the Site in accordance with requirements applicable to the Site in Title 11 of the Metro Code pursuant to a City-Washington County Memorandum of Understanding (MOU) which delegated that work to the City of Hillsboro. Annexation Petition approval by Metro, together with the recent annexation of the Site to Hillsboro, would bring the Site fully under Hillsboro’s planning and land use regulatory jurisdiction. In turn, this would allow the City to implement explicit Hillsboro Comprehensive Plan and Zoning Ordinance provisions applicable to the Site that implement a UGB Shute Road Site Concept Plan approved by Metro as in compliance with its Title 11 Concept Plan requirements. This Plan was jointly prepared by the City and the owners of the Site pursuant to the MOU.

3. *Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans.*

Finding: Approval of this Annexation Petition to add the Site to the Metro District would be consistent with the execution by the City of the following Hillsboro Comprehensive Plan (HCP) policies and implementation measures:

Section 2: Urbanization Policy (IV)(J): Annexation of the Site will enable the City to adopt industrial land use plan and zoning designations with the knowledge that the Site can be adequately served by the public facilities needed to support its high tech industrial use. Therefore, Site annexation would be consistent with the intent and objective of this HCP policy that requires the City to assure that urban development of undeveloped or newly annexed areas will be adequately serviced the necessary public facilities.

Section 2. Urban Implementation Measure (IV)(F): All land in the Hillsboro Planning Area is assumed to be available for annexation and/or development, consistent with the Comprehensive Plan, zoning, subdivision regulations and the Urban Planning Area Agreement. Annexation of the Site will assure the its industrial development will occur subject to these City land use policies and regulations.

Section 10. Economy (III)(B): Annexation of the Site will enable the City to fulfill this HCP policy which directs the City to designate “sufficient industrial land” to provide for “different types of industrial development” and “develop a diverse industrial base”.

¹ Exhibit “H” lists law enforcement, road maintenance, engineering and construction, land use and transportation planning, land development and building services as the County duties subject to its provisions.

Section 12. Public Services Implementation Measures (V)(C)(2): The City shall require properties to annex to the City prior to the provision of sanitary sewer service.

Section 12. Public Services Implementation Measures (V)(I)(2): The City shall require properties in the urban area to annex to the City prior to the provision of water service.

4. Consistency with specific directly applicable standards and criteria for boundary changes contained in the Regional Framework Plan or any functional plan.

Finding: According to Policy 7.3, Chapter 7 of the Metro Regional Framework Plan (RFP), the Plan’s policies “shall not apply directly to site-specific land use actions, including amendments of the UGB”. The RFP policies do not apply to local government comprehensive plans, except as they may be incorporated or implemented by provisions in the *Metro Urban Growth Management Functional Plan* (Functional Plan). Chapters 1-6 of the RFP apply only to Metro functional plans and the management and periodic review of the Metro UGB. There are no “specific, directly applicable standards and criteria for (annexation) boundary changes” in the RFP.

Only Title 11 of the Functional Plan expressly concerns “new urban areas”. Its stated purpose is “to require and guide planning for conversion from rural to urban use of areas brought into the UGB”. Its stated intent is that “development of areas brought into the UGB implement the Regional Framework Plan and 2040 Growth Concept”. It is expressly directed toward planning and guiding the *development* of newly added land to the UGB rather than the orderly transition of such land from rural jurisdictions and public services to urban/municipal jurisdictions and services.

The Functional Plan contains only one provision in its Title 11 component which speaks to annexations and prescribes a directly applicable standard or criterion for an annexation boundary change. Title 11, Section 3.07.1110.A, Interim Protection of Areas Brought into the Urban Growth Boundary, concerns “annexations” of land added to the UGB. It requires local comprehensive plan amendments for land added to the UGB to include “provisions for annexation to the (Metro) district and to a city or any necessary service district prior to urbanization of the territory . . . to provide all required urban services”. By its terms, this Title 11 provision requires local comprehensive plans to assure the provision of adequate public facilities and services to land added to the UGB through annexation of such lands to the Metro District, the affected city and/or any special service district responsible for providing such facilities and services to the land prior to its urban development.

Approval of this annexation Petition will assure, under the provisions of the *Hillsboro Urban Services Agreement*, that the Shute Road Site will be serviced by all the public facilities and services required for its industrial development. The Agreement identifies the public agencies that would be responsible for providing such facilities and services to the Site once it has been included in the UGB.

5. Whether the proposed (boundary) change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services.

Finding: Currently, the Site is protected by the Tualatin Valley Fire & Rescue District (TVFR) and the Washington County Fire District No. 2 (Dist. No. 2) which have primary fire protection responsibility for much of rural, unincorporated Washington County. Under the *Hillsboro Urban Services Agreement*, however, TVFR and Dist. No. 2 and the City of Hillsboro agreed that the City will ultimately be the sole provider of fire protection services to the Site. Under the Agreement, the transition of services from TVFR to the City shall be consistent with an existing Intergovernmental Agreement (*Intergovernmental Urban Services Agreement Relating to Fire and Emergency Services within Subject Territory*) between the parties.

All other necessary public facilities and services needed to support high technology industrial development of the Site are readily available and accessible to the Site. This fact is documented before the Metro Council in a Report entitled *Alternative Sites Analysis for the "Shute Road Site" Urban Growth Boundary Amendments* (Johnson Gardner & City of Hillsboro, October, 2002) which is incorporated by reference as a part of the Findings in support of this annexation Petition. The Report describes the Site's access to such facilities and services as follows:

- 6200 feet roadway frontage; 300 feet from Shute Road-Hwy 26 Interchange.
- Adjacent to 2 water supply lines including 66-inch water main within the Site.
- 660 feet from nearest sewer line stub outs; 3 in Shute Road and 2 at nearby Komatsu property line.
- Access to power: 2000 feet travel distance from PGE Sunset Substation.
- Access to special fire protection: 2400 feet from Hillsboro Fire Station No.
- Metro Water serviceability rating: easy to serve.
- Metro Sewer serviceability rating: easy to serve.
- Metro Storm water serviceability rating: moderately difficult to serve.

The necessary public services and facilities can be provided to the Site without interrupting or interfering with existing the provision of such services to other nearby industrial sites as confirmed by a *Shute Road Site Conceptual Public Facilities Plan* (Group MacKenzie, Inc, 2003) which is also incorporated by reference as a part of the Findings in support of this annexation Petition.

6. The Territory lies within the Urban Growth Boundary; and

Finding: On December 5, 2002, Metro approved Ordinance 02-983B which added approximately 203 acres to the Urban Growth Boundary to meet a special identified regional need to provide large lots (50+ acres) for high technology industrial uses.

7. Consistency with other applicable criteria for the boundary change in question under state law and local law.

Finding: Annexation Petitions to Metro and local governments are permitted by ORS 222.111(2) and governed generally by ORS 222.111 et seq. While ORS 222.111(5) generally requires annexations to be submitted to the electors, ORS 222.125 permits the Metro and the City:

“... not to call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing (on the annexation) otherwise required by ORS.222.120 when all of the owners of landing that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation”.

Approval of this annexation Petition would be consistent with the applicable provisions in ORS 222.111. In accordance with Metro Code Section 3.09.045(a) and ORS 222.125, this Annexation Petition is supported by the written consent of 100% of the owners and electors residing on the properties to be annexed to the Metro District. (See attached Annexation Consent Forms)

Agenda Item Number 5.1

Resolution No. 04-3418, For the Purpose of Amending the 2004-07 Metropolitan Transportation Improvement Program to add funding of a First Phase of the I-5/Macadam Access Improvements for \$2 Million.

Metro Council Meeting
Thursday, February 19, 2004
Beaverton Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE 2004-) RESOLUTION NO. 04-3418
07 METROPOLITAN TRANSPORTATION)
IMPROVEMENT PROGRAM TO ADD) Introduced by Councilor Rod Park; JPACT
FUNDING OF A FIRST PHASE OF THE I-) Chair
5/NORTH MACADAM ACCESS
IMPROVEMENTS FOR \$2 MILLION.

WHEREAS, projects selected to receive federal transportation funding must be included in the Metropolitan Transportation Improvement Program (MTIP), which reports on the programming of all federal transportation funds to be spent in the region, and

WHEREAS, the South Waterfront Plan envisions revitalization of a 130-acre site into a new neighborhood of more than 3,000 homes and 5,000 jobs with multi-modal access, and

WHEREAS, implementation of the South Waterfront Plan is beginning in the 31-acre central district that at full build-out will include 2,700 homes and 1.5 million square feet of OHSU research and institutional uses, a hotel/conference facility and supporting retail and service uses, and

WHEREAS, to support this initial phase of development, the Oregon Department of Transportation in cooperation with the City of Portland is proposing a first phase safety and operational improvement of the I-5/North Macadam Access Improvements project, and

WHEREAS, the I-5/North Macadam Access Improvement project is consistent with the 2004 Regional Transportation Plan and has been determined to conform with air quality regulations as a part of the financially constrained transportation system when fully constructed, and

WHEREAS, this first phase project does not represent a significant change in the capacity of the transportation system, and

BE IT RESOLVED that the Metro Council amends the 2004-07 Metropolitan Transportation Improvement Program to add funding of a first phase of the I-5/North Macadam Access Improvements project for \$2 million.

ADOPTED by the Metro Council this 19th day of February, 2004

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 04-3418, FOR THE PURPOSE OF AMENDING THE 2004-07 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM TO ADD FUNDING OF A FIRST PHASE OF THE I-5/NORTH MACADAM ACCESS IMPROVEMENTS PROJECT FOR \$2 MILLION.

Date: January 22, 2004

Prepared by: Ted Leybold

BACKGROUND

The Metropolitan Transportation Improvement Program (MTIP) is a report that summarizes all programming of federal transportation funding in the Metro region and demonstrates that the use of these funds will comply with all relevant federal laws and administrative rules. To qualify to receive federal transportation funds, projects must be approved in the MTIP.

The Oregon Department of Transportation (ODOT), in cooperation with the City of Portland, is proposing construction of a first phase of the I-5/North Macadam Access Improvements project to support the initial development of the South Waterfront area. This first phase is necessary to help distinguish the through movement from local traffic and provide safer access into the development site..

The full I-5/North Macadam Access Improvements project is included in the Regional Transportation Plan financially constrained system and is anticipated to be constructed between 2015 and 2025 at an estimated cost of \$20 million. Adoption of this amendment defines a first phase of the project and programs the project in the Metropolitan Transportation Improvement Program in the amount of \$2 million.

While the first phase project will change the lane configuration on Highway 43 (Macadam Avenue) between SW Gaines and SW Curry and the I-5 Northbound on-ramp to Highway 43, add signals to the intersections of Gaines and Curry, and modification of the SW Bancroft intersection, the vehicle capacity associated with those changes would not be significant. Therefore, an air quality conformity analysis is not warranted.

The full I-5/North Macadam Access Improvement project is illustrated in Figure 1. The Phase I safety and operation project that will be amended into the MTIP is illustrated in Figure 2. Cross sections of the existing Highway 43, the Phase I project and the full I-5/North Macadam Access project are illustrated in Figure 3.

These funds will be provided by ODOT made available through bid savings on other projects.

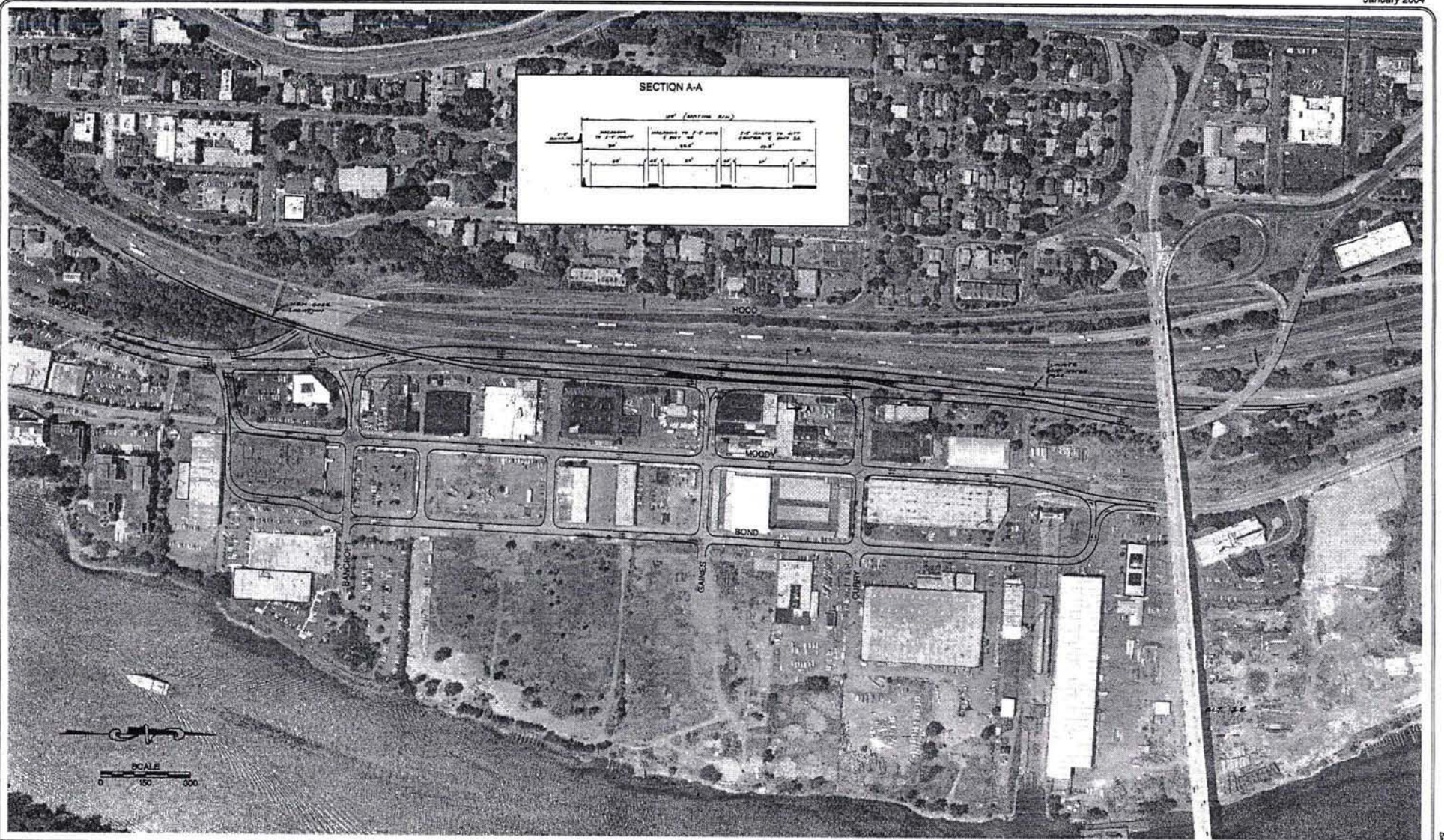
ANALYSIS/INFORMATION

1. **Known Opposition.** The Corbett-Terwilliger neighborhood association has contested the proposed development of the South Waterfront (formerly North Macadam) area in the past. Concern about a lack of outreach to the neighborhood association about this project was expressed by neighborhood residents to TPAC through a TPAC citizen member.

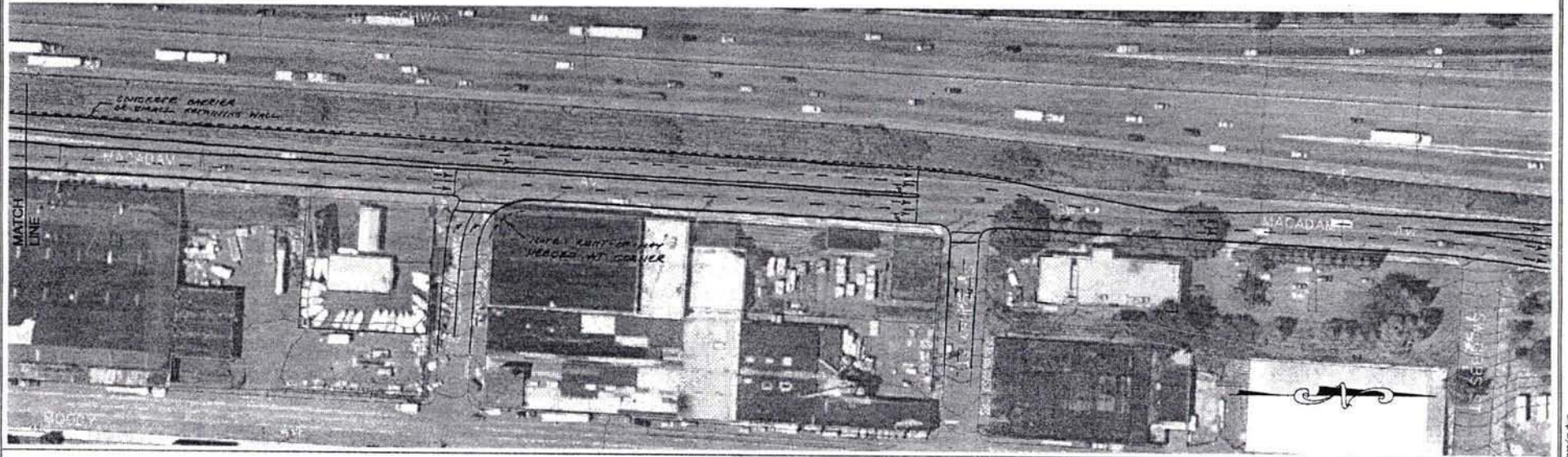
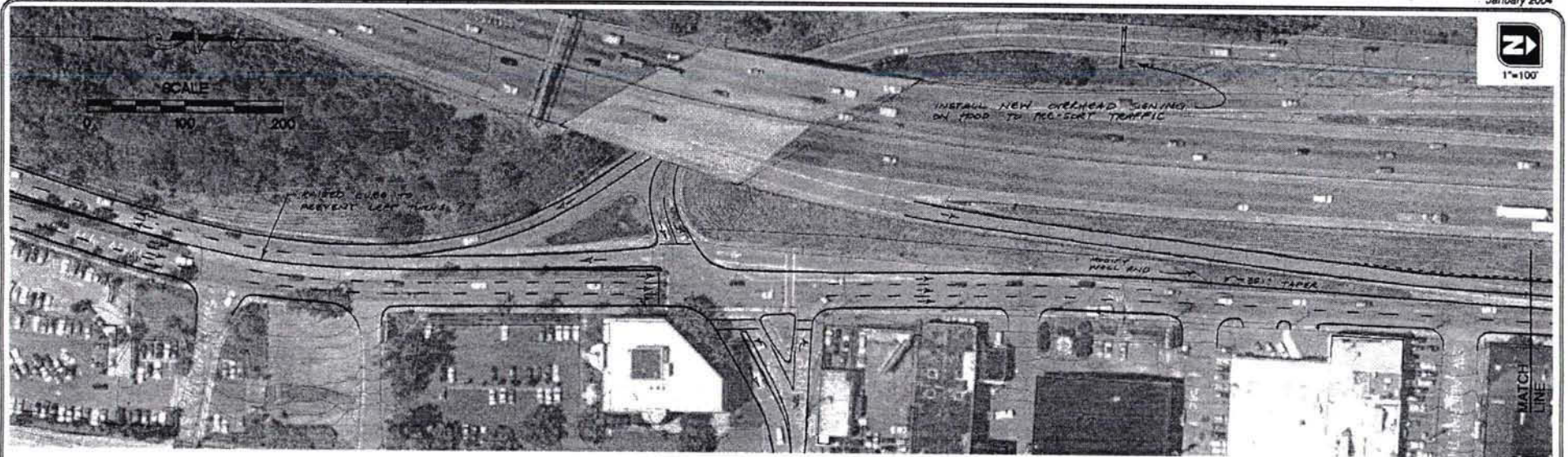
2. **Legal Antecedents** This action amends the 2004-07 Metropolitan Transportation Improvement Program, adopted by Metro Resolution No. 03-3381A. This resolution programs transportation funds in accordance with the federal transportation authorizing legislation (currently known as the Transportation Equity Act for the 21st Century or TEA-21) and the federal Clean Air Act. This resolution conforms with the Oregon State Implementation Plan for air quality. It is also consistent with the 2004 Regional Transportation Plan.
3. **Anticipated Effects** Adoption of this resolution is a necessary step to make the I-5/North Macadam Access Improvements project eligible to receive federal funds to reimburse project costs.
4. **Budget Impacts** Adoption of this resolution has no anticipated impacts to the Metro budget.

RECOMMENDED ACTION

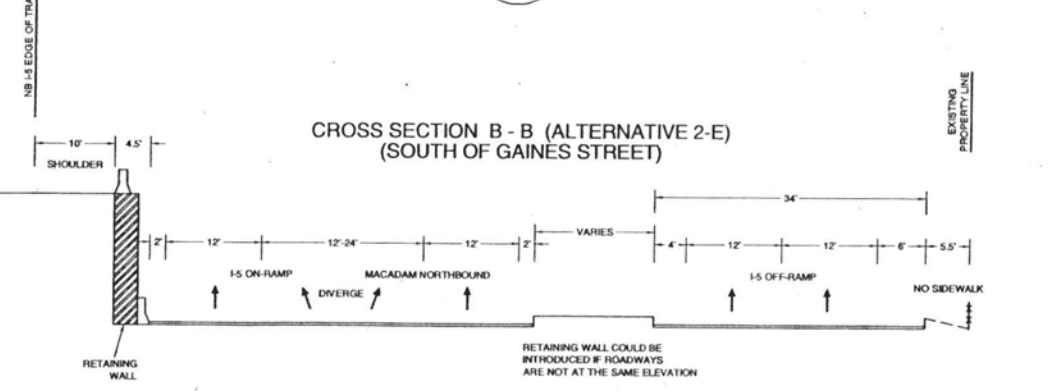
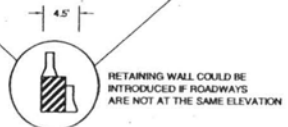
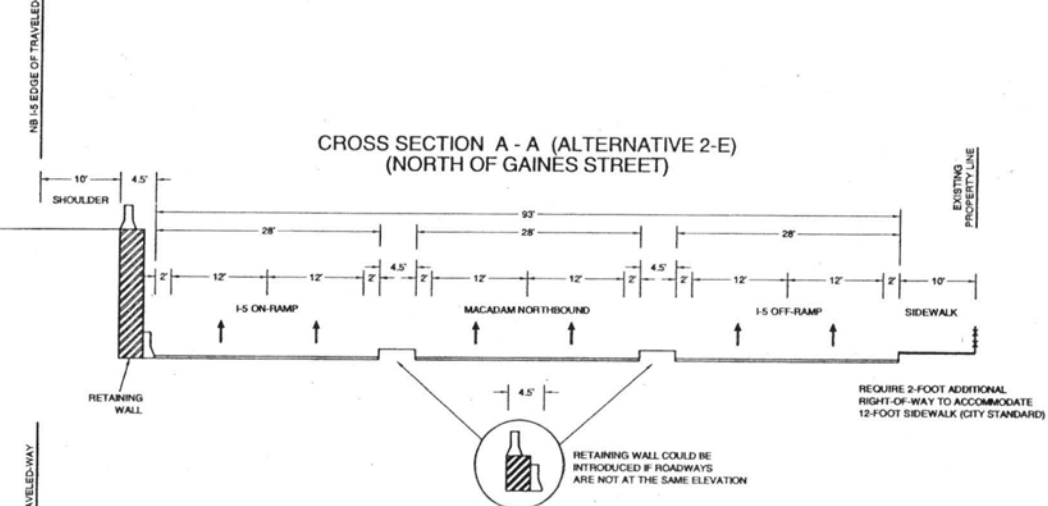
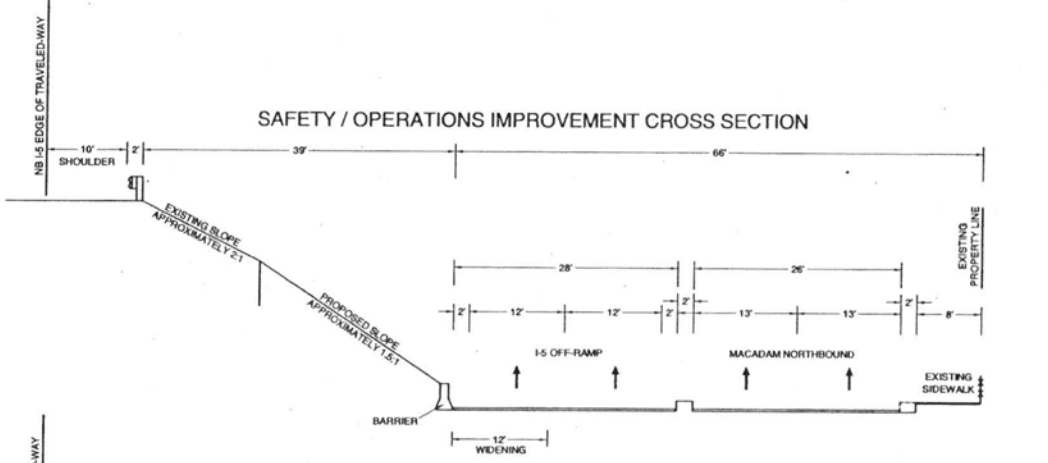
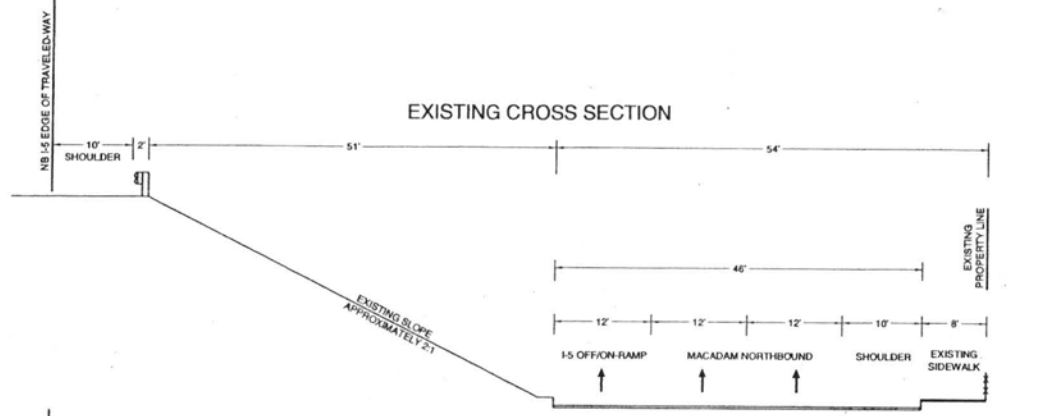
Approve the resolution as recommended.



ALTERNATIVE 2-E
FIGURE 1



INTERIM CAPACITY AND SAFETY IMPROVEMENT



TYPICAL CROSS SECTIONS
PORTLAND, OREGON

Agenda Item Number 5.2

Resolution No. 04-3419, For the Purpose of Recommending Freight Project Priorities to the Oregon Freight Advisory Committee.

Metro Council Meeting
Thursday, February 19, 2004
Beaverton Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF RECOMMENDING) RESOLUTION NO. 04-3419
FREIGHT PROJECT PRIORITIES TO THE)
OREGON FREIGHT ADVISORY COMMITTEE) Introduced by Councilor Rod Park

WHEREAS, House Bill 3364 from the 2001 Oregon Legislative session calls for the Freight Advisory Committee to advise the Oregon Transportation Commission (OTC) and regionally based advisory groups about the Statewide Transportation Improvement Program and its consideration and inclusion of high priority freight mobility projects in each Oregon Department of Transportation region, and

WHEREAS, House Bill 2041 from the 2003 Legislative session expands on House Bill 3364 by authorizing \$100 million in bonding for projects that: a) are recommended by the Freight Advisory Committee, b) provide or improve access to industrial land sites, or c) provide or improve access to sites where jobs can be created, and

WHEREAS, in September 2003 the Oregon Freight Advisory Committee (OFAC) approved a set of eligibility criteria, prioritization factors and a process for evaluating candidate projects, and

WHEREAS, at its October 9, 2003 meeting, JPACT reviewed the legislation, proposed OFAC eligibility criteria and prioritization factors and approved a process for developing regional recommendations to be submitted to OFAC, and

WHEREAS, information on this issue was reviewed by the Metro Council at a November 25, 2003 work session on freight, and

WHEREAS, the process approved by JPACT called for a public comment solicitation and review by the Regional Freight Committee, and

WHEREAS, the Regional Freight Committee is chaired by Metro and includes representatives from Clackamas, Multnomah and Washington Counties, the cities of Gresham, Tualatin, Wilsonville and Portland, the Port of Portland and the Oregon Department of Transportation, and

WHEREAS, on November 28, 2003 OFAC sent a letter to Area Commissions on Transportation, the Association of Oregon Counties, the League of Oregon Cities and Metropolitan Planning Organizations advertising the freight project prioritization criteria and preliminary list of candidate high priority freight mobility projects and requesting comments by March 1, 2004, and

WHEREAS, Metro has solicited public comments and information on potential freight project priorities between December 1 and January 5, 2004, and

WHEREAS, the Regional Freight Committee has provided recommendations to TPAC, JPACT and the Metro Council on a proposed prioritized list of freight mobility projects based on the eligibility criteria and prioritization factors developed by OFAC and in accordance with policy direction set by JPACT at its October 9, 2003 meeting, and

WHEREAS, TPAC and JPACT have acted on the recommendations of the Regional Freight Advisory Committee and recommended that the prioritized list of projects in Exhibit A be submitted as the region's priorities for consideration by OFAC;

WHEREAS, the region has significant modernization needs and these needs are disproportionate to the rest of the state. And, JPACT believes a significant portion of OTIA III should be used to address these modernization needs; and

WHEREAS, JPACT recognizes that the \$100 million set aside for freight will likely not significantly address modernization needs in the region; and

WHEREAS, JPACT recognizes and supports the fact that five of the eight projects of statewide significance are located in Region 1; and

WHEREAS, JPACT believes the five projects of statewide significance should get consideration for funding as part of future OTIA III allocations; now therefore

BE IT RESOLVED that the Metro Council adopt the recommendation of JPACT on the regional freight mobility project priorities as shown in Exhibit A.

BE IT FURTHER RESOLVED that consistent with the JPACT recommendation, the Metro Council forward to OFAC the prioritized list of regional freight projects as shown in Exhibit A; and

BE IT FURTHER RESOLVED that the Metro Council shall forward a letter to OFAC and the OTC. The letter shall include, at a minimum, the following points:

- A) The region has significant modernization needs and these needs are disproportionate to the rest of the state. And, the Metro Council believes a significant portion of OTIA III should be used to address these modernization needs;
- B) The Metro Council recognizes that the \$100 million set aside for freight will likely not significantly address modernization needs in the region;
- C) The Metro Council recognizes and supports the fact that five of the eight projects of statewide significance are located in Region 1; and
- D) The Metro Council believes that the five projects of statewide significance in the Metropolitan region should be addressed for funding in OTIA III.

ADOPTED by the Metro Council this _____ day of _____, 2004

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

Exhibit A

Regional Freight Advisory Committee Recommended Freight Project Priorities

Project Name	Description	Requested Amount (in \$ millions) ¹	Average Score	Potentially Regional Significant Industrial Areas	State Opportunity Sites or Proposed Shovel Ready Sites	Local/Private Leverage	Potential Other Funding Sources ²	Freight Route Designation
Leadbetter Extension Overcrossing RTP 4087	Extend Leadbetter to Terminal 6/Marine Drive, including a rail overcrossing.	\$6	7.6	✓	OP	✓	✓	RTP/TSP/OHP
East End Connector RTP 4022	Provide a free-flow connection from Columbia Boulevard/SE 82nd Avenue to US 30 Bypass/I-205 interchange, and widen the southbound I-205 on-ramp at Columbia Boulevard.	\$3.5	7.4			✓		NHS/RTP
North Lombard Access Improvements RTP 4063	Improve access and mobility of freight to Rivergate intermodal facilities and industrial areas.	\$3.6	7.3	✓	OP	✓	✓	NHS/RTP/TSP
I-5 North Improvements RTP 4005	Widen to six lanes between Lombard and the Expo Center.	\$41	7.2	✓	OP	✓	✓	NHS/RTP/OHP/TSP
I-5/Columbia Boulevard Improvements RTP 4006	Construct full direction access interchange based on recommendations from the I-5 Trade and Transportation Partnership Study.	\$56	7.1	✓	OP	✓	✓	NHS/RTP/OHP/TSP
Lake Yard, BNSF Hub Facility Access Not in RTP	Provide access road/drive and new signalization to relieve conflicts with US 30 traffic.	\$2	7.1			✓	✓	NHS/RTP
Alderwood Air Cargo Access Improvements RTP 4041 & 4038	Widen/Channelize/signalize intersections @ NE Alderwood Rd./NE Columbia Blvd. and NE Alderwood Rd./SE 82nd Avenue.	\$2.1	7.0			✓		NHS/RTP/TSP
Cornfoot Air Cargo Access Improvements RTP 4042 & 4055	Widen/channelize/signalize intersections at NE Airtans Way/NE Cornfoot Rd., and NE Alderwood Rd./NE Cornfoot Blvd.	\$1	7.0			✓		NHS/TSP/RTP
NE 47th Intersection and Roadway Improvements RTP 4040	Widen and channelize NW 47th Avenue/NE Columbia Boulevard.	\$3.3	7.0			✓		RTP/TSP
NE Columbia Boulevard/SE 82nd Avenue RTP 4044	Signalize ramps and provide additional capacity.	\$1.1	6.9			✓		RTP
Sunrise Highway (Phase I of Unit One) RTP 5003	Construct new four-lane facility and interchanges (I-205 to SE 135th Ave.).	\$85	6.7	✓	PSR	✓	✓	OHP/RTP

¹ Total project cost may exceed Requested Amount

² Funding in whole or in part

Regional Freight Advisory Committee Recommended Freight Project Priorities

Project Name	Description	Requested Amount (millions) ¹	Average Score	Potentially Regional Significant Industrial Areas	State Opportunity Sites or Proposed Shovel Ready Sites	Local/Private Leverage	Potential Other Funding Sources ²	Freight Route Designation
NE 257th Ave. (Division St. To Powell Valley Road) RTP 2041	Construct two travel lanes in each direction, center turn lane/median, sidewalks, bike lanes, drainage and street lighting.	\$4.8	6.7					*
Wilsonville/I-5 Interchange Improvements (Phase 1 and 2) RTP 6138 & 6139	Construct ramp improvements Town Center to Boones Ferry Road.	14.5	6.4	✓		✓	✓	NHS/RTP/OHP/TSP
OR 217 Improvements RTP 3001	Widen northbound OR 217 to three lanes between OR 8 and US 26 and make ramp improvements.	\$33	6.2			✓	✓	NHS/OHP RTP
I-205 Auxiliary Lanes, I-5 to Stafford Rd. RTP 5199	Construct permanent auxiliary lanes as part of I-5 to Willamette River Preservation project.	\$8	5.9			✓	✓	OHP/RTP
SE 172nd Ave. Improvement RTP 7000	Extend to Hwy 212 and signalize intersection. Widen to 4 lanes with turn lanes from Hwy 212 to SE Sunnyside Road	\$15	5.9	✓	PSR	✓	✓	**
US 26 (Sunset Highway) Improvements RTP 3009	Widen US 26 to six lanes from Cornell Rd. to NW 185th Avenue.	\$13	5.6	✓	OP/PSR	✓		NHS/OHP RTP
Terminal 4 Driveway Consolidation RTP 4088	Consolidate driveways.	\$1	5.6		OP			RTP/TSP
I-5/99W Connection (Tualatin - Sherwood Hwy Phase I Arterial Connection) RTP 6141	Construct arterial connection From I-5 to 99W that protects through traffic movements between these state hwys, and that would provide for future expansion to Expressway or freeway.	\$53	5.5	✓		✓	✓	NHS/TSP/RTP
US 26 (Mt.Hood Hwy) Springwater Corridor Interchange (Hogan Corridor Improvements) RTP 2051	Element of Hogan Corridor Improvements. New interchange on US 26 proposed to access industrial lands in Springwater Corridor.	\$25	5.4	✓		✓	✓	NHS/RTP/TSP

* NHS Route is currently 181st Ave./Burnside Road. 242nd Ave. is proposed as NHS route in RTP upon completion of improvements in the corridor. Completion of 242nd Ave. will be difficult and expensive. Multnomah Co. recognized the need for a freight route connecting I-84 and US 26 and will recommend the designation of 257th Ave. as an RTP freight route.

** Clackamas Co. has identified as SE 172nd Ave. as a major industrial area and will request freight designation in the next RTP.

¹ Total project cost may exceed Requested Amount

² Funding in whole or in part

Regional Freight Advisory Committee Recommended Freight Project Priorities

Project Name	Description	Requested Amount (millions)¹	Average Score	Potentially Regional Significant Industrial Areas	State Opportunity Sites or Proposed Shovel Ready Sites	Local/Private Leverage	Potential Other Funding Sources²	Freight Route Designation
Sandy Boulevard Widening Revised RTP 2074	Widen to five lanes between NE 162nd to NE 238th Avenues.	\$11.8	5.2			✓		RTP/TSP
OR 217 Interchange Improvements RTP 3023	Improve the highest priority interchange that comes out of the Hwy217 Corridor study.	\$15	5.2	✓		✓	✓	NHS/OHP RTP
Belmont Ramp Reconstruction RTP 1039	Reconstruct ramp to provide better access to the Central Eastside.	\$1.5	4.9			✓		RTP/TSP
I-5/North Macadam Access Improvements RTP 1025	Construct new off-ramp from I-5 northbound to Macadam Avenue northbound.	\$25	4.3		PSR	✓	✓	NHS/RTP/ OHP/TSP

Total Estimated Cost \$400.2

1 Total project cost may exceed Requested Amount 2 Funding in whole or in part

Exhibit A

Regional Freight Advisory Committee Recommended Freight Project Priorities

Project Name	Description	Requested Amount (in \$ millions) ¹	Average Score	Potentially Regional Significant Industrial Areas	State Opportunity Sites or Proposed Shovel Ready Sites	Local/Private Leverage	Potential Other Funding Sources ²	Freight Route Designation
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Sunrise Highway (Phase I of Unit One) RTP 5003	Construct new four-lane facility and interchanges (I-205 to SE 135th Ave.).	\$85	6.7	✓	PSR	✓	✓	OHP/RTP

¹ Total project cost may exceed Requested Amount

² Funding in whole or in part

Exhibit A to Resolution No. 04-3419

Regional Freight Advisory Committee Recommended Freight Project Priorities

Project Name	Description	Requested Amount (millions) ¹	Average Score	Potentially Regional Significant Industrial Areas	State Opportunity Sites or Proposed Shovel Ready Sites	Local/Private Leverage	Potential Other Funding Sources ²	Freight Route Designation
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** Clackamas Co. has identified as SE 172nd Ave. as a major industrial area and will request freight designation in the next RTP.

1 Total project cost may exceed Requested Amount 2 Funding in whole or in part

Exhibit A to Resolution No. 04-3419

Regional Freight Advisory Committee Recommended Freight Project Priorities

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I-5/North Macadam Access Improvements RTP 1025	Construct new off-ramp from I-5 northbound to Macadam Avenue northbound.	\$25	4.3		PSR	✓	✓	NHS/RTP/OHP/TSP
Total Estimated Cost		\$400.2						

¹ Total project cost may exceed Requested Amount ² Funding in whole or in part

Exhibit A to Resolution No. 04-3419

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 04-3419, FOR THE PURPOSE OF RECOMMENDING FREIGHT PROJECT PRIORITIES TO THE OREGON FREIGHT ADVISORY COMMITTEE

Date: January 28, 2004

Prepared by: Andrew C. Cotugno

BACKGROUND

House Bill 3364 from the 2001 legislative session required the Oregon Freight Advisory Committee to advise the Oregon Transportation Commission on high priority freight mobility projects in each Oregon Department of Transportation (ODOT) region.

House Bill 2041, known as OTIA III, from the 2003 Legislative session expanded on HB 3364 by authorizing \$100 million in bonding for projects that a) are recommended by the Freight Advisory Committee, b) provides or improve access to industrial land sites, or c) provide or improve access to sites where jobs can be created. HB 2041 provides for another \$400 million in funding for modernization projects, some of which could also be used for projects that support freight mobility.

The Oregon Freight Advisory Committee developed a set of eligibility criteria and prioritization factors to screen more than 200 projects statewide. During the summer and fall of 2003, OFAC worked with the various ODOT regions throughout the state to identify potentially high priority freight projects that met the eligibility criteria.

To assess priority, OFAC established four factors. The prioritization factors are: 1) the project would remove identified barriers to the safe, reliable, and efficient movement of goods; 2) the project would facilitate public and private investment that creates or sustains jobs; 3) the project would support multi-modal freight transportation movements and 4) the project is likely to be constructed within the time frame contemplated (project readiness). The complete eligibility criteria and prioritization factors are set forth in Attachment 1 to this staff report.

On November 28, 2003 OFAC distributed information about the prioritization process to regional and local jurisdictions and asked for comments on a preliminary list of priorities by March 1, 2004. In December and early January, Metro solicited comments and recommendations from interested parties. More than 50 pieces of correspondence were received.

In mid-January, the Regional Freight Committee reviewed all materials received, evaluated projects for which information was submitted and developed a proposed prioritized list of projects (Exhibit A to this resolution). The Regional Freight Committee is composed of representatives from Clackamas, Multnomah and Washington Counties, the cities of Gresham, Portland, Wilsonville, Vancouver and Tualatin, the Ports of Portland and Vancouver and the Oregon Department of Transportation. Vancouver representatives did not participate in this prioritization process.

Each member of the Regional Freight Committee evaluated each project based on the four prioritization factors. In accordance with direction provided by JPACT, Committee members were asked to give additional consideration to projects located within Regionally Significant Industrial Areas and intermodal

facilities. Projects are listed in order of their total average score by committee members. The highest ranking projects represent the priority freight mobility projects for funding in the near term.

All projects for which information was submitted are listed in Exhibit A, with three exceptions. The replacement of the swing span with a lift span on the Columbia River rail bridge is not eligible for funding as part of OTIA III because the funds are limited to roadway improvements by the state constitution. Information was submitted both on the Going Street Overcrossing and the Going/Greeley Climbing lanes. Those projects had been reviewed by the Regional Freight Committee earlier and ranked as lower priorities. The additional information was submitted too late or was insufficient for the Regional Freight Committee to re-evaluate these projects in the available timeframe. Although the City of Portland has not requested that the Going Street Overcrossing be included in the regional priority list, it will be submitting it separately to OFAC.

The Regional Freight Committee recommended prioritized list of high priority freight mobility projects is attached as Exhibit A.

ANALYSIS/INFORMATION

1. **Known Opposition** None known at this time.
2. **Legal Antecedents** This resolution provides input to the Oregon Freight Advisory Committee, which was established by HB 3364 and directed to recommend freight priorities to the Oregon Transportation Commission as part of HB 2041. (See Background).
3. **Anticipated Effects** Adoption of this resolution would provide input to a State committee, which has been charged with establishing freight priorities for use by the Oregon Transportation Commission in making funding decisions. It could result in funding of key freight mobility projects, which would improve the creation and retention of jobs in the region.
4. **Budget Impacts** Adoption of the resolution would not result in any additional requirement of Metro resources.

RECOMMENDED ACTION

Approve Resolution 04-3419 as recommended.

Freight Mobility Project Eligibility Criteria and Prioritization Factors
(Approved by the Freight Advisory Committee, September 9, 2003)

Eligibility Criteria	Prioritization Factors
<p>Projects can be considered for funding if they</p> <ul style="list-style-type: none"> • Are modernization projects¹ on freight routes of statewide or regional significance, including <ul style="list-style-type: none"> ✓ highways on the State Highway Freight System as designated in the 1999 <i>Oregon Highway Plan</i>, or ✓ highways or local roads designated as National Highway System intermodal connectors, or ✓ other highways with a high volume or percentage of trucks or which are important for regional or interstate freight movements, or ✓ local freight routes designated in a regional or local transportation plan • Are estimated to cost \$1 million or more² • Have not previously been programmed for construction in a <i>Statewide Transportation Improvement Program</i> approved by the Oregon Transportation Commission³ • Are consistent with the applicable acknowledged Transportation System Plan (TSP) or, in the absence of an applicable acknowledged TSP, the applicable acknowledged comprehensive plan and any applicable adopted TSP⁴ • Support 1999 <i>Oregon Highway Plan</i> policies per the provisions identified in the process approved by the OTC for the selection of projects to be included in the STIP 	<p>Priority shall be given to projects that</p> <ul style="list-style-type: none"> • Would remove identified barriers to the safe, reliable, and efficient movement of goods, • Would facilitate public and private investment that creates or sustains jobs⁵ • Would support multimodal freight transportation movements • Are likely to be constructed within the time frame contemplated (project readiness)⁶

¹ Other types of projects (e.g., operations or safety) may be considered if they would accomplish purposes similar to those of modernization projects or would otherwise substantially support freight mobility.

² A project costing less than \$1 million may be considered if it meets other eligibility criteria, is critical to removing barriers to goods movement, or would otherwise substantially support freight mobility.

³ Multi-phased projects or STIP-listed projects that have been delayed and otherwise meet the eligibility criteria may be considered. Additionally, projects that are scheduled for construction during the latter two years of an approved STIP may be considered for inclusion in future STIPs or freight mobility project listings. Costs of planning, development, and design may be included in the identification of projects eligible for funding consideration.

⁴ The FAC may consider projects that are not identified in an acknowledged or adopted plan if efforts to amend the applicable planning document are underway or expected to proceed within timelines for developing state or Metropolitan Planning Organization transportation improvement programs.

⁵ Examples of investment leveraging would include, but not be limited to, additional federal funds, local matching funds, donation of project right-of-way, or private-sector contributions.

⁶ Project readiness is dependent on an assessment of the remaining requirements that must be met before a project can be constructed, and the likelihood that the requirements can be met and construction started within the time frame anticipated. Assessment of project readiness includes assessment of the timing and likelihood of obtaining environmental approvals.

0219046-01



the
CHAMBER

THE GREATER HILLSBORO AREA CHAMBER OF COMMERCE

January 13, 2004

Mr. Martin Callery, Chair
OTIA-3 Freight Projects Subcommittee
Oregon International Port of Coos Bay
Coos Bay, Oregon 97420-0311

RE: OTIA-3 Freight Project Proposal - Widening of Hwy. 26 from Cornell to 185th.

Dear Mr. Callery:

The Hillsboro Chamber of Commerce with 800 member businesses representing more than 40,000 employees, is writing in strong support of funding for the widening of Hwy. 26 from Cornell to 185th Avenue in Washington County through OTIA-3.

Safe, reliable and efficient roadway access to business sites is critical for Hillsboro businesses to continue to be successful and prosperous. Increasing congestion and delay on Hwy. 26 between Cornell and 185th make it difficult and costly to transport goods into and out of the Hillsboro area as well as impeding through-freight movement along the highway. Without the widening of Hwy. 26 from Cornell to 185th Avenue to three lanes in each direction, congestion will become worse and will severely limit businesses' ability to efficiently operate in this area. From an economic development prospective, efficient and affordable freight transportation is a key element on the list of requirements for businesses to consider expansion in, or relocation to, our area. We want and need expanded economic opportunities in our area but know that without the supporting investment in transportation infrastructure we risk becoming an undesirable location for businesses.

We recognize that there are many transportation needs throughout the state that are competing with OTIA-3; however, we believe that the widening of Hwy. 26 is a critical statewide freight need that merits priority funding through OTIA-3. Thank you for considering this important project for OTIA-3 funding.

Sincerely,

Deanna Palm
Executive Director

cc: Bridget Wieghart, Metro Regional Freight Advisory Committee
Clark Berry, Washington County Planning

021904c-02



2300 N.E. Brookwood Parkway
Hillsboro, Oregon 97124

Phone: (503) 615-9000
FAX: (503) 615-8900
<http://www.triquint.com>

January 15, 2004

Mr. Martin Callery, Chair
OTIA-3 Freight Projects Subcommittee
Oregon International Port of Coos Bay
Coos Bay, Oregon 97420-0311

RE: OTIA-3 Freight Project Proposal - Widening of Hwy. 26 from Cornell to 185th

Dear Mr. Callery:

I am writing in support of funding for the Hwy. 26 widening from Cornell to 185th Avenue in Washington County through OTIA-3.

Located at 2300 NE Brookwood Parkway TriQuint Semiconductor employs 418 employees at this site and generated over \$250 million in sales last year from the production of microchips. For our business to be successful we need safe, reliable and efficient roadway access to our site. Increasing congestion and delay on Hwy. 26 between Cornell and 185th are making it increasingly difficult to transport goods into and out of our site as well as impeding through-freight movement along the highway. Without the widening of Hwy. 26 from Cornell to 185th Avenue to three lanes in each direction, congestion will become worse and severely limit our ability to efficiently operate in this area.

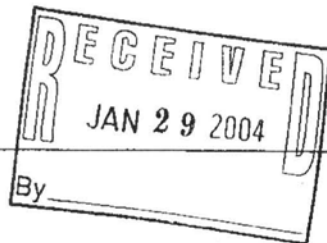
We recognize that there are more transportation needs throughout the state than can be funded through OTIA-3; however, we believe that the widening of Hwy. 26 is an important statewide freight need that merits funding through OTIA-3. Thank you for considering this project for OTIA-3 funding.

Sincerely,

Ralph Quinsey
Chief Executive Officer

Cc: Bridget Wieghart, Metro Regional Freight Advisory Committee
Clark Berry, Washington County Planning

021904c-03



January 26, 2004

Metro Council
David Bragdon, Council President
600 NE Grand Avenue
Portland, OR 97232-2736

Dear Mr. Bragdon,

I represent SYSCO Food Services of Portland, Inc., a regional distributor of food supplies, which provides many jobs and supports a wide variety of industries within Oregon and SW Washington. Our company relies heavily on a sound transportation system, yet we lose several hours of productive work on a daily basis due to congestion on Highway 217. This is costly to us and negatively impacts our profits and growth potential. We need your support in making the necessary improvements to Highway 217 and the north interchange to Highway 26.

A large segment of our customers lie within the areas serviced by Highway 217 and in areas in which Highway 217 must be traveled to access them. On average we have at least ten trucks that utilize the highway on a daily basis. With the new Department of Transportation hours-of-service regulations not only is this costly in driver's pay it is also hindering our ability to extend routes in many of these areas. Without improvements to the highway serving the North Coast/Westside we will continue to see our efficiencies decline and may be required to purchase additional trucks and trailers and hire additional drivers to distribute our goods. This will place additional vehicles on the highway, adding to the congestion that is nearly unbearable and driving up our expenses.

Furthermore, we are concerned that new business will be unwilling to locate to the Westside due to the congestion and difficulty in moving freight in and out of the area. Should this occur our business will not grow in this area either. We currently employ over 600 associates in our market and would like to continue to grow and add jobs.

This is a freight corridor that supports the entire Metro region and points beyond and needs to be supported by not only Washington County but Metro and the State of Oregon as well. With your help we can improve freight mobility throughout the region and encourage new business, growth and efficiencies of existing businesses in this area.

Thank you for your support and consideration to improving Highway 217.

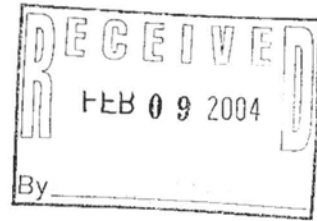
Sincerely,

Van Hooper
Vice President of Operations





021904/C-04



February 4, 2004

A R G Y L E

Metro Council
David Bragdon, Council President
600 NE Grand Avenue
Portland, Or 97232-2736

RE: Wilsonville Road/I-5 Interchange Project Funding

Dear David,

We are owners of a regional shopping center named Argyle Square being built at the Stafford interchange in Wilsonville. When fully occupied within a year or so, we will have provided about 600 new jobs to the Wilsonville area.

I am writing to you asking for your support to fund the Wilsonville Road/I-5 Interchange project with OTIA 3 funds. The City of Wilsonville is seeking \$14.5 million for improvements there. That interchange is at capacity and suffers from gridlock, which affects surrounding businesses like mine.

Wilsonville is one of the fastest growing cities in the state, with 194 vacant industrial and commercial acres nearby the interchange, yet its growth will be constricted without this project.

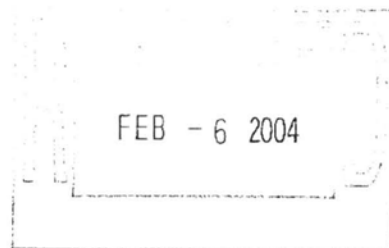
The City has already invested \$3.7 million in the interchange, and has budgeted \$3.5 million more for Phase 1 of this project once it receives approval. Another \$7.3 million was put into the interchange's connector, Wilsonville Road.

ODOT's 11-2002 Freeway Access Study identified this as a necessary improvement to address safety and capacity issues at the interchange.

Thanks very much for your consideration and support.

Sincerely,

Bruce Burns
President and CEO



Argyle Capital LLC

A Subsidiary of Burns Bros., Inc.
4800 SW Meadows Road, Suite 475
Lake Oswego, Oregon 97035
Telephone 503-697-0666
Fax 503-697-0541

021904c-05

VICKI HOPMAN YATES

ATTORNEY AT LAW

30240 SW PARKWAY AVENUE, NORTH SUITE 9

WILSONVILLE, OR 97070

(503) 570-8684 (Fax)

(503) 570-0203

vicki@yateslaw.com

www.yateslaw.com

February 4, 2004

David Bragdon, President
Metro Council
600 Grand Avenue
Portland, OR 97232-2736

Dear President Bragdon:

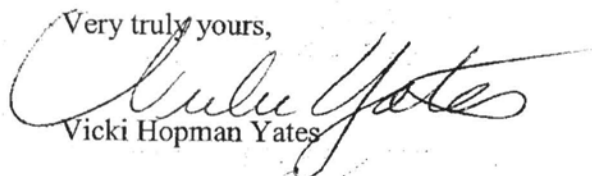
I am a Wilsonville resident, property owner and business owner. I make important contributions to the economy of the Portland metro region and the state. My business depends on a sound transportation system, yet the Wilsonville Road/I-5 Interchange that serves my business and property is at capacity. Because the interchange is at capacity, we are experiencing more and increasingly severe bottlenecks along that stretch of road resulting in lost time and lost productivity in our business which cuts into our bottom line and ultimately affects the success of our business and the health of our community. This traffic problem also adversely affects my quality of life as a resident of Wilsonville. We need your support to make the needed improvements.

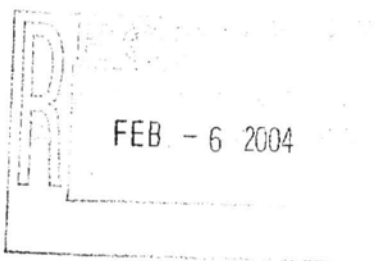
Wilsonville is the second most active truck transportation corridor in the Portland Metro area. Significant amounts of truck traffic not only move past our city, but also move on and off our freeway ramps. That is one of the reasons this project was identified as a top priority in ODOT's November 2002 Freeway Access Study. This failing interchange serves numerous large and small industrial and commercial companies and is critical component to our transportation network. It is so important that the city has made substantial investments to upgrade the interchange and the improve capacity and movement on Wilsonville Road.

There is more land that can be developed in this area and we have direct rail access near the interchange. The city and local businesses have stepped up to the plate and have invested heavily in this interchange, but we need regional and state support as well. For these reasons, we ask that you fund this critical project through OTIA 3 funds. With your help, we can get more Oregonians back to work and improve our company's ability to compete.

Thanks for your support and consideration.

Very truly yours,


Vicki Hopman Yates



021904c-09

VICKI HOPMAN YATES

ATTORNEY AT LAW

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(503) 570-0203

www.yateslaw.com

vicki@yateslaw.com

February 4, 2004

JPACT Chair Rod Park
Joint Policy Advisory Committee on Transportation
600 NE Grand Avenue
Portland, OR 97232-2736

Dear Chairman Park:

I am a Wilsonville resident, property owner and business owner. I make important contributions to the economy of the Portland metro region and the state. My business depends on a sound transportation system, yet the Wilsonville Road/I-5 Interchange that serves my business and property is at capacity. Because the interchange is at capacity, we are experiencing more and increasingly severe bottlenecks along that stretch of road resulting in lost time and lost productivity in our business which cuts into our bottom line and ultimately affects the success of our business and the health of our community. This traffic problem also adversely affects my quality of life as a resident of Wilsonville. We need your support to make the needed improvements.

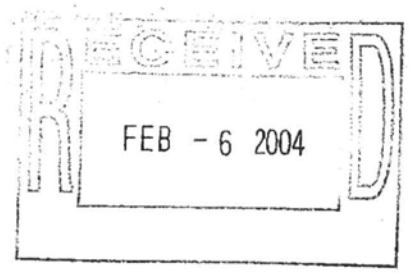
Wilsonville is the second most active truck transportation corridor in the Portland Metro area. Significant amounts of truck traffic not only move past our city, but also move on and off our freeway ramps. That is one of the reasons this project was identified as a top priority in ODOT's November 2002 Freeway Access Study. This failing interchange serves numerous large and small industrial and commercial companies and is critical component to our transportation network. It is so important that the city has made substantial investments to upgrade the interchange and the improve capacity and movement on Wilsonville Road.

There is more land that can be developed in this area and we have direct rail access near the interchange. The city and local businesses have stepped up to the plate and have invested heavily in this interchange, but we need regional and state support as well. For these reasons, we ask that you fund this critical project through OTIA 3 funds. With your help, we can get more Oregonians back to work and improve our company's ability to compete.

Thanks for your support and consideration.

Very truly yours,

Vicki Hopman Yates
Vicki Hopman Yates





021904c-07

February 4, 2004

A R G Y L E

Joint Policy Advisory Committee on Transportation
JPACT Chair Rod Park
600 NE Grand Avenue
Portland, Or 97232-2736

RE: Wilsonville Road/I-5 Interchange Project Funding

Dear Mr. Park,

We are owners of a regional shopping center named Argyle Square being built at the Stafford interchange in Wilsonville. When fully occupied within a year or so, we will have provided about 600 new jobs to the Wilsonville area.

I am writing to you asking for your support to fund the Wilsonville Road/I-5 Interchange project with OTIA 3 funds. The City of Wilsonville is seeking \$14.5 million for improvements there. That interchange is at capacity and suffers from gridlock, which affects surrounding businesses like mine.

Wilsonville is one of the fastest growing cities in the state, with 194 vacant industrial and commercial acres nearby the interchange, yet its growth will be constricted without this project.

The City has already invested \$3.7 million in the interchange, and has budgeted \$3.5 million more for Phase 1 of this project once it receives approval. Another \$7.3 million was put into the interchange's connector, Wilsonville Road.

ODOT's 11-2002 Freeway Access Study identified this as a necessary improvement to address safety and capacity issues at the interchange.

Thanks very much for your consideration and support.

Sincerely,

Bruce Burns
President and CEO

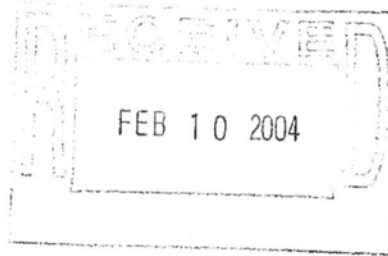


Argyle Capital LLC

A Subsidiary of Burns Bros., Inc.
4800 SW Meadows Road, Suite 475
Lake Oswego, Oregon 97035
Telephone 503-697-0666
Fax 503-697-0541



021904c-08



February 9, 2004

Metro Council
David Bragdon, Council President
600 NE Grand Avenue
Portland, OR 97232-2736

RE: OTIA 3 FUNDING OF WILSONVILLE/I-5 INTERCHANGE IMPROVEMENTS

Dear President Bragdon:

As President of the Wilsonville Chamber of Commerce, I am writing to you on behalf of our 375 business members, who employ over 5,000 area workers, and are comprised of major freight movers and corporate headquarters, as well as small businesses. The Board of Directors of the Wilsonville Chamber strongly urges you to recommend to the Oregon Freight Advisory Committee and the Oregon Transportation Commission that they fund improvements to the Wilsonville Road/I-5 Interchange through OTIA 3 funds.

Wilsonville's substantial business and industrial base provides much-needed jobs and is an integral part of the vibrant economy of the Portland metro region and of Oregon. The Wilsonville Road Interchange is at capacity and must be improved in order for our businesses to expand their operations in Wilsonville. Also, there are almost 200 acres of vacant industrial/commercial land located next to the Western Pacific Railroad mainline tracks that cannot be developed until that interchange has additional capacity. Several Chamber member companies have indicated an interest in expanding their operation and adding new employees when capacity at the Wilsonville Road/I-5 interchange is improved and becomes available.

ODOT's November 2002 Freeway Access Study identified improvements to the Wilsonville Road Interchange as necessary to correct safety and capacity problems. In addition, the Wilsonville Road Interchange serves the proposed westside Commuter Rail project's southern terminus. These are issues of importance to the region and to Oregon and require state investment.

The City of Wilsonville, its citizens and the business community have strongly supported improvements to the interchange by committing millions of dollars to enhance safety and capacity. But, it is too big of a burden for a city of our size with a population of 16,000 to carry alone.

Wilsonville's businesses, our citizens' quality of life and the region's efficient movement of freight and job-creation benefit from this critical project. By investing in the Wilsonville Road/I-5 interchange improvement project, the Oregon economy gains substantial benefit that improves freight mobility and provides leading employers with the opportunity to expand and grow their operations. We urge your support for this crucial project. Thank you for your time and consideration.

Sincerely,

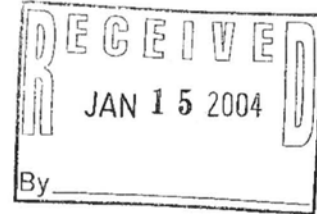
Jim Marohn, CPA, President

0219046-09

CITY OF HILLSBORO



January 13, 2004



Mr. Marin Callery, Chair
OTIA-3 Freight Projects Subcommittee
Oregon International Port of Coos Bay
Coos Bay, OR 97420-0311

RE: OTIA-3 Freight Project Proposal – Widening of Highway 26 from Cornell Road to 185th Avenue

Dear Mr. Callery:

I am writing to encourage your support for funding the widening of Highway 26 from Cornell Road to 185th Avenue in Washington County through OTIA-3. You have no doubt received several letters of support for this project from various private and public entities both within and outside the Hillsboro area. The key concerns raised by area businesses, such as the need for improved freight mobility, creating and sustaining jobs, and supporting the economy, apply to local jurisdictions as well.

I cannot emphasize enough the vital importance to the City of Hillsboro for expediting improvements along this corridor. It is the primary connection to the rest of the Portland metropolitan region for the transport of goods and services not only for the Westside and the rest of Washington County, but coastal regions in Tillamook and Clatsop counties as well.

As always, there are more transportation needs than available funding. However, the widening of Highway 26 is an important statewide freight need than merits funding through OTIA-3.

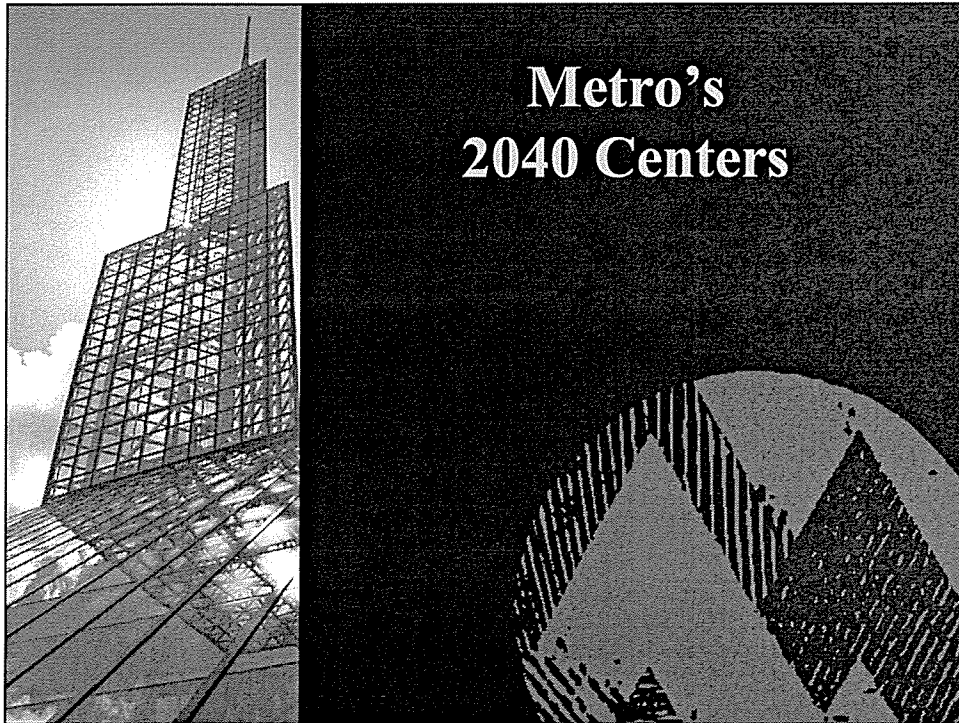
Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads 'Tom Hughes'.

Tom Hughes, Mayor

Cc: Bridget Wieghart, Metro Regional Freight Advisory Committee
Clark Berry, Washington County Planning



2040 Centers

The Metro
Role:

- Planning
- Partnering
- Funding

LEGEND

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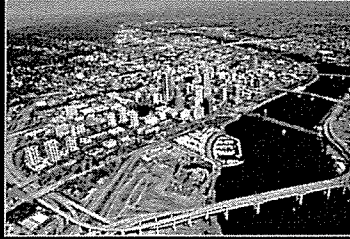
97. 2040 Centers

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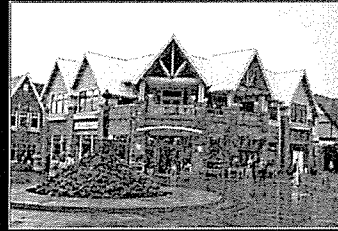
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2040 Centers



- Key to 2040 success
- Hierarchy of Centers
 - Central City
 - Regional Centers
 - Town Centers



2040 Centers



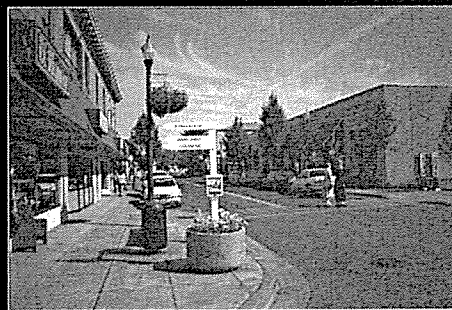
- Station Communities
- Main Streets



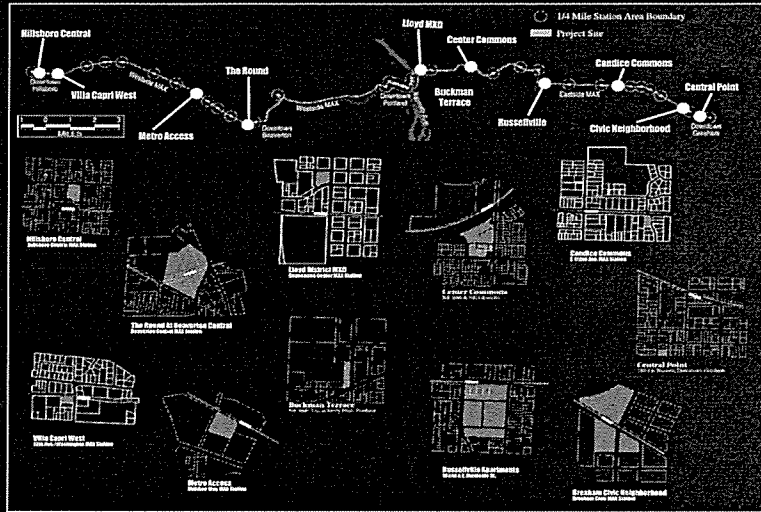
How Metro Programs Support 2040 Centers

- Supporting Policies
- Technical Assistance
 - GIS
 - Planning
- Grant Programs
- Light Rail Planning
- Corridor Planning
- Information Collection and Dissemination
- MTIP Funding
- TOD Program
- Parks Acquisitions
- Community Enhancement Grants
- Recycling of Building Materials

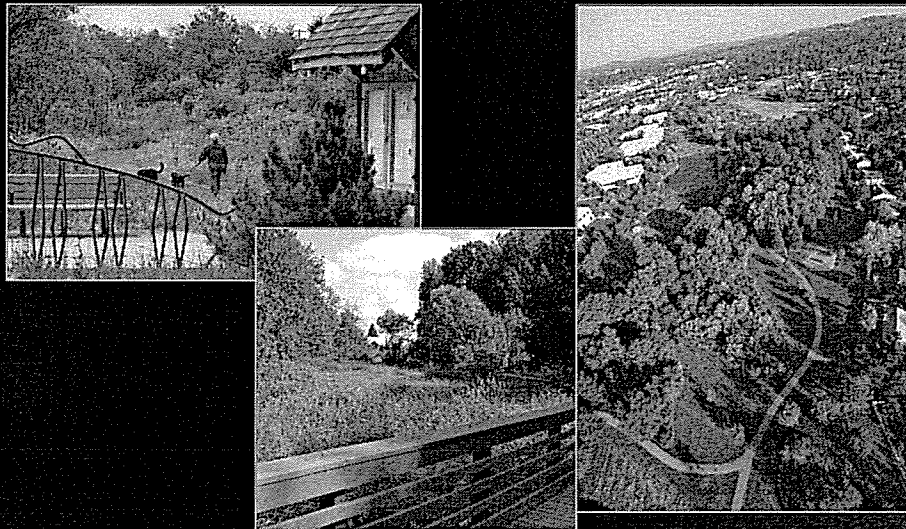
MTIP Funding Boulevard Designs



Transit Oriented Development



Trails Connecting Centers



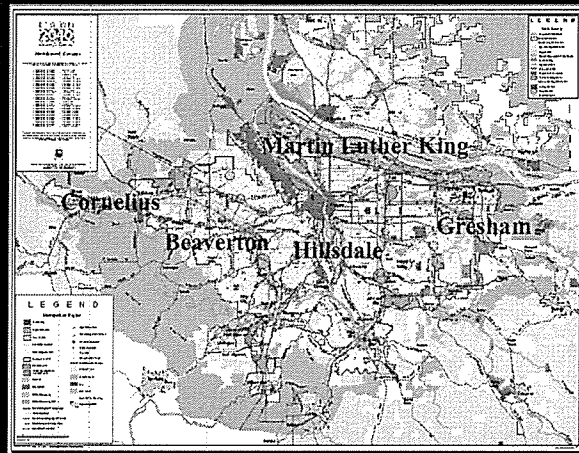
Community Enhancement Grants



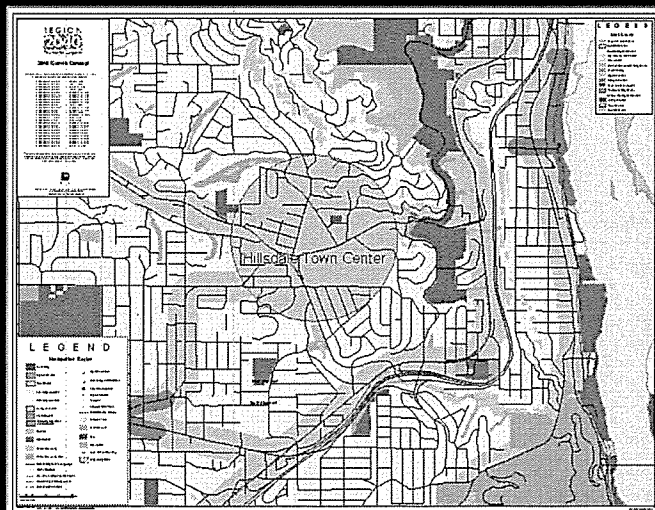
Recycling of Building Materials



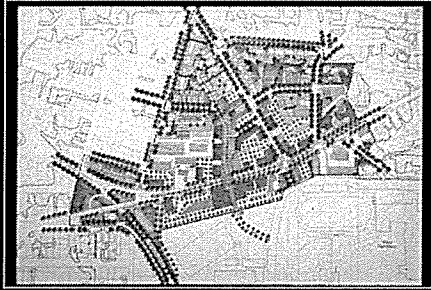
2040 Centers



Hillsdale Town Center



Hillsdale Town Center



- Designated a Town Center
- Funded a “Design Image” by Calthorpe
- TGM grant for a Specific Development Plan
- City adopts Town Center Plan

Hillsdale Town Center

- MTIP funds for pedestrian improvements
- Local library branch rebuilt

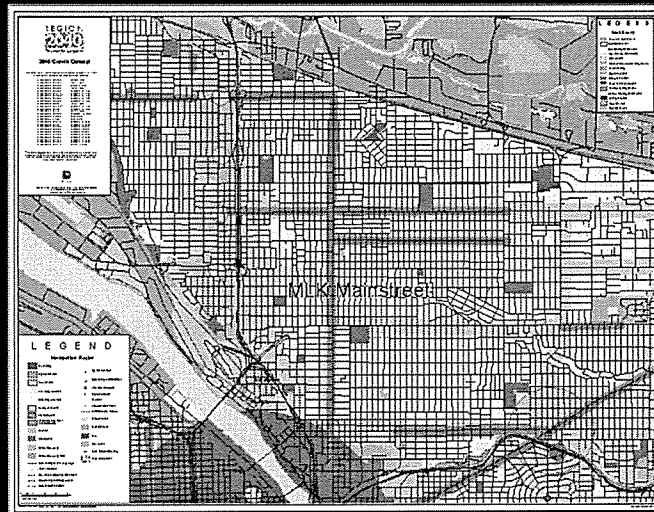


Hillsdale Town Center



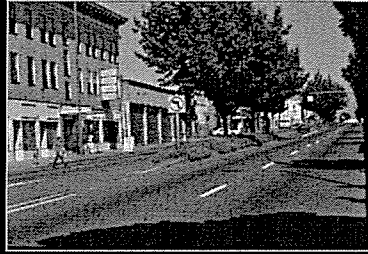
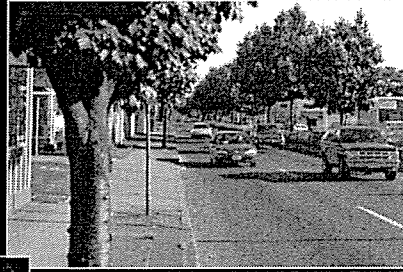
- Infill projects
- Commercial properties upgraded
- Business Association established a farmers market
- Business Association develops Town Center signage

Martin Luther King Blvd.

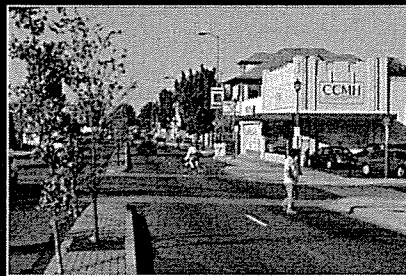


Martin Luther King Blvd.

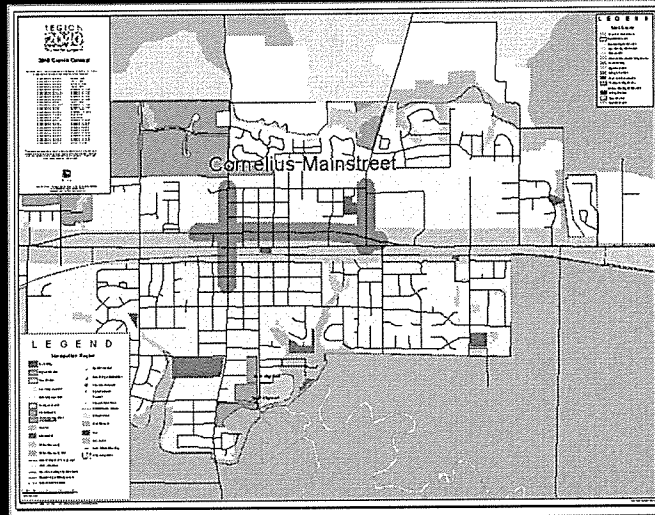
- Designated a Main Street
- Collaborative effort by the Community, Metro and the State



Martin Luther King Blvd.



Cornelius Main Street



Cornelius Main Street

- Designated a Main Street
- Assisted in TGM grant
- Ad hoc staff
- Used local share of the park bond funds to acquire a park

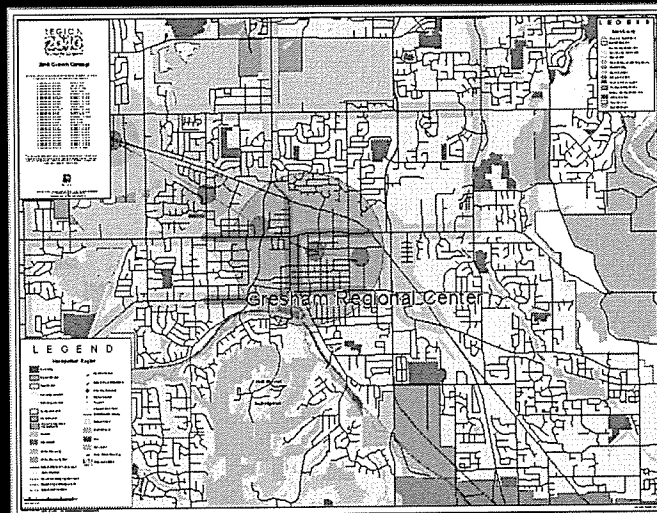


Cornelius Main Street

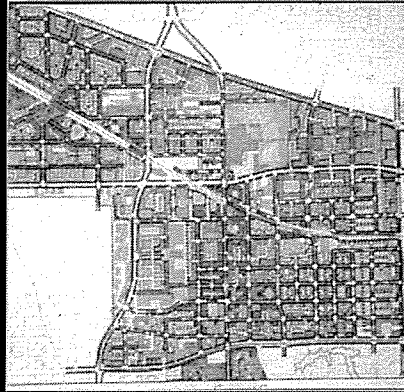
- Mural
- MTIP funds to plan and construct a Boulevard from 10th to 20th on Baseline and TV Highway



Gresham Regional Center

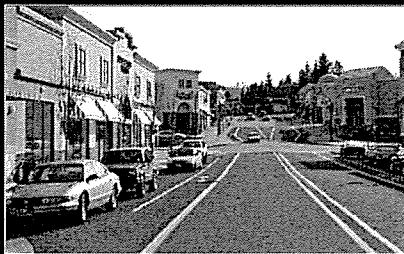


Gresham Regional Center



- Designated as a Regional Center
- Extensive Planning for the center including a “design image” by Peter Calthorpe
- Partnership for many years

Gresham Regional Center



- Gave the city a grant to plan the Civic Neighborhood
- Developed a Plan and Code
- Funded the boulevard to connect Burnside to Division

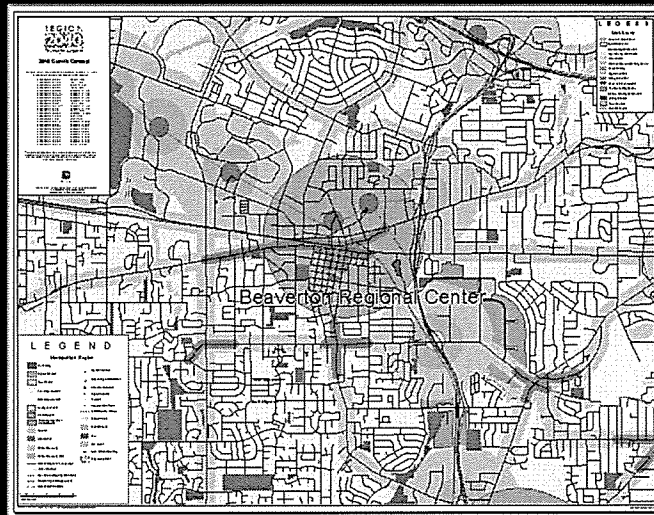
Gresham Regional Center

TOD Program:

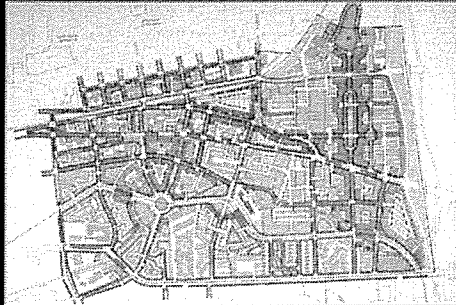
- Land assembly
- Station Funding
- Central Point
- Civic Neighborhood



Beaverton Regional Center

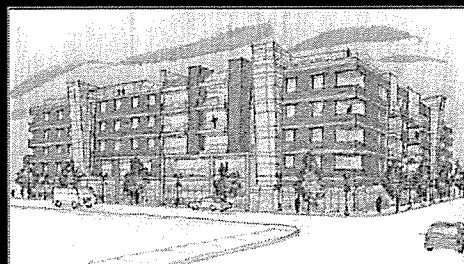
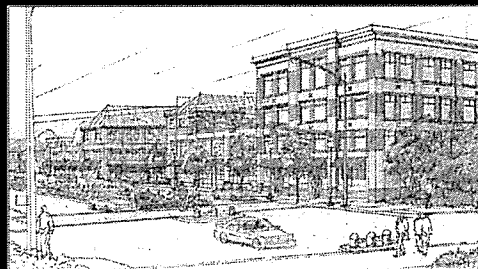
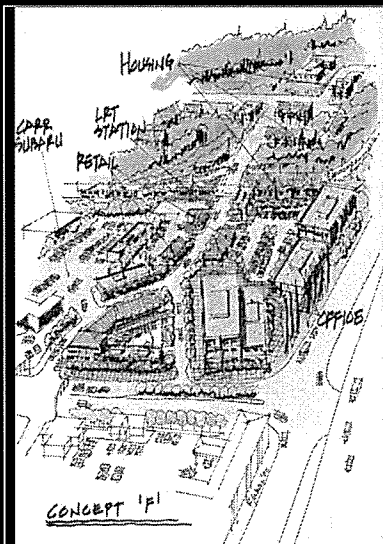


Beaverton Regional Center

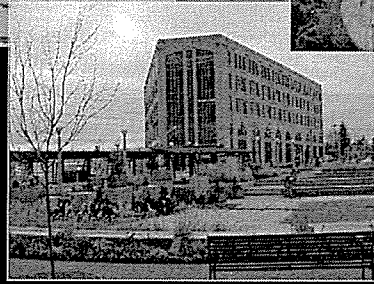
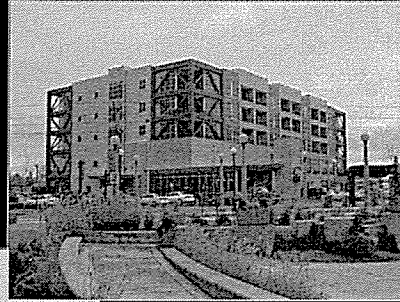


- Designated as a Regional Center
- Participation in planning including a “design image”
- Westside Light Rail Planning

Beaverton Regional Center



Beaverton Regional Center

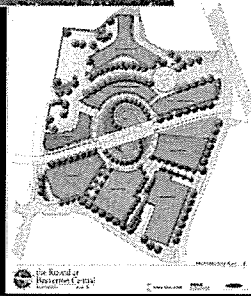
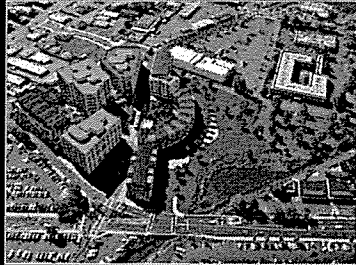


Beaverton Regional Center



- Wilsonville/Beaverton Commuter Rail
- Highway 217 Corridor Study

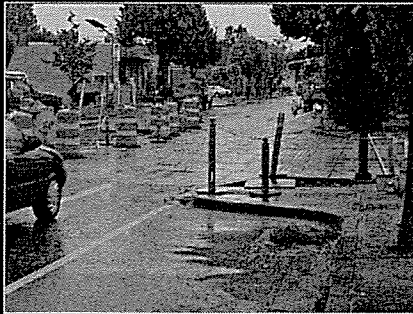
Beaverton Regional Center



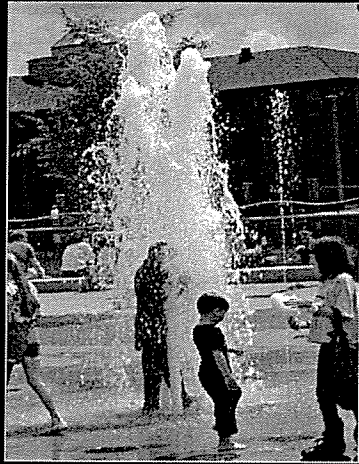
Pilot Center Development Strategy:

- Builds on planning work previously completed
- Identify/overcome barriers to development
- Prepare a market analysis
- Identify and prepare pro forma for opportunity sites
- Develop an Action Plan

Beaverton Regional Center



2040 Centers

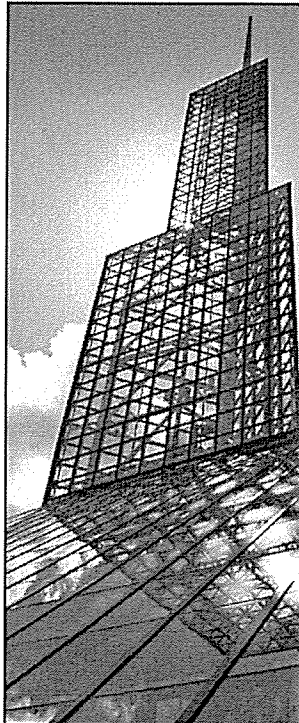


For more information:
www.metro-region.com

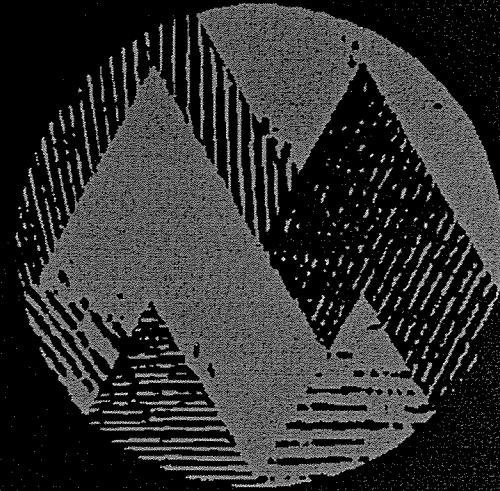
Mary Weber
Manager, Community Development

Sherry Oeser
Program Supervisor

Brenda Bernards
Senior Regional Planner



Metro's 2040 Centers



From: Christina Billington
To: David Bragdon
Date: 2/18/04 8:12a.m.
Subject: Proposed Council public hearings for Industrial Lands and Goal 5

David, here are my suggestions for public hearing spaces and times:

April 15 Goal 5 - Metro (there are also two other public hearings at that meeting - Budget and Title 4) - 2 pm
April 22nd Industrial Lands - Gresham - 2pm
April 29th Industrial Lands - Washington County - 5pm
May 4th Goal 5 - West Linn - 2 pm *- 1pm*
May 6 Industrial Lands - Wilsonville 2pm
May 20th Goal 5 - Metro 5 pm

I will begin booking chambers today with your approval, Chris

CC: Gina Whitehill-Baziuk; Kate Marx