

A G E N D A

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TEL 503 797 1542 | FAX 503 797 1793



**METRO**

**Agenda**

MEETING: METRO COUNCIL REGULAR MEETING  
DATE: February 3, 2005  
DAY: Thursday  
TIME: 2:00 PM  
PLACE: Metro Council Chamber

**CALL TO ORDER AND ROLL CALL**

**1. INTRODUCTIONS**

**2. CITIZEN COMMUNICATIONS**

**3. DEPARTMENT OF ENVIRONMENTAL QUALITY'S PRESENTATION ON WILLAMETTE BASIN TOTAL MAXIMUM DAILY LOAD PLAN (TMDL) AND METRO'S ROLE AS A DESIGNATED MANAGEMENT AGENCY** Pedersen

**4. CONSENT AGENDA**

4.1 Consideration of Minutes for the January 27, 2005 Metro Council Regular Meeting.

**5. ORDINANCES – FIRST READING**

5.1 **Ordinance No. 05-1071**, For the Purpose of amending the FY 2004-05 budget and appropriations schedule recognizing \$10,000 in grant funds; transferring \$79,640 from the regional parks operating fund contingency; increasing operating expenditures in the regional parks operating fund by \$89,640; authorizing 1.0 FTE receptionist position; and declaring an emergency.

**6. RESOLUTIONS**

6.1 **Resolution No. 05-3531**, For the Purpose of Authorizing the Chief Operating Officer to Donate Two Parcels of Land to the Oregon Department of Transportation. Newman

6.2 **Resolution No. 05-3532**, For the Purpose of Authorizing the Chief Operating Officer to Transfer Real Property to the North Clackamas Parks and Recreation District. Newman

**7. CHIEF OPERATING OFFICER COMMUNICATION**

**8. COUNCILOR COMMUNICATION**

**ADJOURN**

**Television schedule for February 3, 2005 Metro Council meeting**

<p><b>Clackamas, Multnomah and Washington counties, and Vancouver, Wash.</b>          Channel 11 -- Community Access Network  <a href="http://www.yourtv.org">www.yourtv.org</a> -- (503) 629-8534          2 p.m. Thursday, Feb. 3 (live)</p>	<p><b>Portland</b>          Channel 30 (CityNet 30) -- Portland Community Media  <a href="http://www.pcatv.org">www.pcatv.org</a> -- (503) 288-1515          8:30 p.m. Sunday, Feb. 6          2 p.m. Monday, Feb. 7</p>
<p><b>Gresham</b>          Channel 30 -- MCTV  <a href="http://www.mctv.org">www.mctv.org</a> -- (503) 491-7636          2 p.m. Monday, Feb. 7</p>	<p><b>Washington County</b>          Channel 30 -- TVTV  <a href="http://www.yourtv.org">www.yourtv.org</a> -- (503) 629-8534          11 p.m. Saturday, Feb. 5          11 p.m. Sunday, Feb. 6          6 a.m. Tuesday, Feb. 8          4 p.m. Wednesday, Feb. 9</p>
<p><b>Oregon City, Gladstone</b>          Channel 28 -- Willamette Falls Television  <a href="http://www.wftvaccess.com">www.wftvaccess.com</a> -- (503) 650-0275          Call or visit website for program times.</p>	<p><b>West Linn</b>          Channel 30 -- Willamette Falls Television  <a href="http://www.wftvaccess.com">www.wftvaccess.com</a> -- (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, (503) 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 e-mail, fax or mail or in person to the Clerk of the Council. For additional information about testifying before the Metro Council please go to the Metro website [www.metro-region.org](http://www.metro-region.org) and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

Agenda Item Number 3.0

***DEPARTMENT OF ENVIRONMENTAL QUALITY'S PRESENTATION ON WILLAMETTE BASIN TOTAL  
MAXIMUM DAILY LOAD PLAN (TMDL) AND METRO'S AS A DESIGNATED MANAGEMENT AGENCY***

Metro Council Meeting  
Thursday, February 3, 2005  
Metro Council Chamber

# Protecting and Restoring the Willamette River

The Willamette River Basin is home to seventy percent of Oregon's population. Those who live or work in the basin depend on the river for many resources, and also contribute to potential pollution problems that come with any residential, commercial, municipal, industrial, forestry or agricultural land use activity.

This fact sheet is an overview of the uses, the history, the challenges and the many improvement projects that have been completed and continue to be performed throughout the Willamette Basin.

### A Diverse River Basin

For the amount of land area in the basin, more water flows from the Willamette River than from any other major river basin in the United States. The basin, 180 miles long and 80 miles wide, is bordered by the crest of the Cascade Mountains to the East, the crest of the Coast Range to the West, and the Columbia River to the North, into which it flows. About 2.3 million people live in the river basin near its 16,000 miles of rivers and streams, and more than half of them live in the Portland metropolitan area.

The Willamette Basin contains some of the most productive agricultural and forestlands in Oregon. Over half the forestland is publicly owned and managed, while nearly all the rest of the basin is privately owned. Willamette River recreation includes fishing, boating, water-skiing, rowing, and sailing. The basin supports 75 percent of Oregon's economy, including much of the state's industrial and urban development. The Willamette River and its tributaries provide drinking water for many communities, as well as industrial and agricultural water supplies.

### Historic Problems

In the early 1900s, rivers were used as open sewers, and the Willamette River was no exception. Cities discharged untreated sewage, and industries such as slaughterhouses, paper mills and food processors discharged untreated process water into the river. As a result, by the 1930s workers refused to work on riverside construction projects because of the stench and risk of illness. People could not swim in the river, and they built homes facing away from it. Communities could not use the river for drinking

water. Many fish could not survive in the river. In tests conducted during this time, most fish suffocated within minutes after being exposed to the water.

### First Steps Toward Restoration

Decades of work and millions of dollars of investment by the state, industry, and cities reversed some of the worst damage to the Willamette River. Cities and industries began treating wastewater in the 1950s, and treatment has improved steadily since. Flood control reservoirs built by the federal government have increased summer flow, providing waste dilution during this critical period. Today the river is cleaner and healthier than it once was for people and fish.

### Continuing Challenge

As population increases, and land conversions – from forest to agriculture or agricultural to urban and industrial – continue in the basin, these changes affect the Willamette River. For example, rainfall quickly carries pollutants in stormwater over paved surfaces. The household chemical products applied in and around the home, including cleaning agents, pesticides and fertilizers, may also end up in the Willamette after passing through treatment plants or via stormwater runoff. Pollutants can reach the river through infiltration to groundwater as well as from surface water runoff and from waste or effluent pipes.

During the 1990s, the Legislature provided resources for the Department of Environmental Quality (DEQ) to work with others to study the health of the Willamette River. The studies included a number of key findings, including a high incidence of deformities in the skeletons of certain fish, as well as the presence of toxic chemicals in fish tissues at levels that make the fish unsafe to eat. The studies also found that the majority of water pollution came from urban and rural agricultural runoff.

### What's Being Done Today?

#### *Oregon Plan for Salmon and Watersheds*

The Oregon Plan is a commitment from Oregon's citizens, businesses, agencies and governments to work together to ensure our children will inherit healthy watersheds.



State of Oregon  
Department of  
Environmental  
Quality

Water Quality  
Watershed  
Management  
811 SW 6<sup>th</sup> Avenue  
Portland, OR 97204  
Phone: (503) 229-5696  
(800) 452-4011  
Fax: (503) 229-5850  
[www.deq.state.or.us](http://www.deq.state.or.us)

The Oregon Plan is people working locally; watershed councils coordinating the work; local landowners and governments initiating new ways of doing things; funding and expertise from state, tribal and federal agencies, and businesses and industries; and implementing existing laws and regulations. Most of all, it is a spirit of volunteerism and stewardship characteristic of Oregon and Oregonians.

A watershed approach emphasizes clean water, healthy streams, and conservation or restoration of habitat that supports native salmon and trout. The Willamette Basin is Oregon's most populated watershed, providing more complicated problems, but also more potential problem-solvers.

Efforts to restore the watershed involve everyone in the watershed. Actions include planting vegetation to reduce erosion and keep water cool; changing habits at home, at work, and at play to prevent or reduce pollutants entering waterways; improving fish passage and opening habitat that was blocked by past practices; and reducing erosion from unpaved roads. For more information, visit [www.oregon-plan.org](http://www.oregon-plan.org) or [www.oregonwri.org](http://www.oregonwri.org).

**TMDLs and Water Quality Management Plans**  
Oregon is required to establish Total Maximum Daily Loads (TMDLs) of pollutants that a water body can absorb and still meet clean water standards. TMDLs take into account pollution from all sources, including discharges from industry and sewage treatment facilities; runoff from farms, forests and urban areas; and naturally occurring sources. Part of the TMDL process is to analyze water quality data and calculate pollution load capacity. Then the TMDL assigns pollution loads to sources. The load limits include a safety margin to account for uncertainty and may also include a reserve capacity for future growth.

This information is then used to determine what changes must take place to achieve water quality improvements. The TMDL determines whether changes are needed for wastewater discharge permits for industries and sewage treatment facilities and for forestry, agriculture, or urban land use activities.

The principal pollutants that the Willamette Basin TMDL will address are temperature, bacteria, and mercury. The draft Willamette TMDL document will be available for public comment in spring 2004.

Water quality management plans are developed with the TMDLs. Water quality management plans document the ways that local governments, forest and agricultural land managers (including state and federal agencies), DEQ and others will implement a specific TMDL. For example, Agricultural Water Quality Management Area Plans (SB1010) for a watershed are part of the overall water quality management plan for that area.

For more information about TMDLs, visit DEQ's web page at:

<http://www.deq.state.or.us/wq/wqfact/TMDLFactSheet2003.pdf>

#### **Urban stormwater controls**

Urban runoff is a significant source of pollution to the Willamette River. Our cars and trucks leave oil and grease, metals, rubber and asbestos on streets and parking lots. Homeowners and other gardeners can contribute fertilizers and pesticides to waterways if they over apply or misuse these products. Stormwater runoff from businesses and industries can be a source of a variety of chemicals if their use and disposal is not carefully managed. Cities, counties and sewerage agencies in the Portland-Metro area, as well as the cities of Eugene and Salem, must comply with permits that require Best Management Practices to control pollutants in stormwater runoff. Under new federal regulations, some smaller jurisdictions, such as Corvallis, Springfield, and Keizer, will also fall under this permit program. Certain manufacturing and service industries, and construction sites disturbing one or more acres also must obtain permits that require stormwater controls.

#### **Protecting groundwater**

The Willamette River, like most rivers, is recharged from groundwater. If groundwater is polluted, the river will be affected as well. DEQ has been involved in monitoring groundwater and evaluating the potential sources of contamination, from septic systems to landfills, to determine appropriate ways to prevent groundwater contamination

DEQ is proposing to establish a Groundwater Management Area (GWMA) in the southern Willamette Valley surrounding the Willamette River. This GWMA is being considered because of widespread nitrate contamination of the shallow groundwater, due at least in part to septic systems, farm and home fertilizers. Once a GWMA is declared, state agencies and a citizens' committee will work together to

develop a plan of action, and will determine best management practices to protect the groundwater resource.

For more information on the southern Willamette Valley GWMA, visit the web page at:  
<http://www.deq.state.or.us/wq/groundwa/UpperWillBasin.htm>

#### **Cleanup of Portland Harbor**

The river bottom sediments in the Portland Harbor contain high concentrations of metals, pesticides and industrial chemicals. As a result, EPA has placed the heavily industrialized section of the river from Swan Island to the southern tip of Sauvie Island onto the National Priorities List (NPL), commonly known as Superfund. EPA and DEQ are working with an intergovernmental project team to clean up Portland Harbor sediments. DEQ's role is to find out which sites on land are sources of sediment contamination, while EPA is working with a group of public and private entities to clean up the sediments.

#### **Reducing combined sewer overflows**

In some cities, stormwater runoff flows into the same set of pipes that handle sewage. These systems are called Combined Sewer Systems. Heavy rainstorms may cause an overflow of these systems, resulting in discharges of raw sewage into rivers. In the Willamette Valley, Portland has the only remaining Combined Sewer System and is implementing a plan to address this situation by 2011.

#### **Updating other municipal sewerage facilities**

Other municipalities in the Willamette Basin are implementing improvements to address water quality concerns. As population grows and facilities become outdated, municipalities are working with DEQ to upgrade facilities and infrastructure to improve the quality of wastewater discharged from sewage treatment facilities. In the last few years, several cities have completed improvements ranging from upgrades to building new facilities. Others are in the planning or construction phase. The list includes the cities of Woodburn, Dallas, Silverton, Corvallis, Veneta, Albany, Salem, Willamina, Amity, Scio, Creswell, Monmouth, Lebanon, Cottage Grove, Portland, Sweet Home, Westfir, Dundee, Philomath, Lowell, Lafayette, Harrisburg, Brownsville, and Falls City.

#### **Mercury bioaccumulation in fish**

In several waterbodies and the mainstem of the Willamette River, the levels of mercury in fish are elevated, resulting in the need for fish consumption advisories. As part of the TMDL process, the DEQ has developed a

Bioaccumulation Model and implemented a multi-year monitoring program to evaluate the bioaccumulation of mercury in fish in the Willamette Basin. DEQ has compiled information on potential sources of mercury in the Willamette and is currently working with stakeholders to develop a comprehensive plan for reducing mercury contamination.

#### **For more information**

If you would like more information on work to restore and protect the Willamette River and its tributaries please visit DEQ's website at:

[www.deq.state.or.us](http://www.deq.state.or.us)

For information on DEQ's activity in the southern portion of the Willamette basin, contact Jared Rubin, DEQ at (541) 686-7838 ext. 261 or by e-mail at:

[rubin.jared@deq.state.or.us](mailto:rubin.jared@deq.state.or.us)

For information on DEQ's activity in the northern portion of the Willamette basin contact Dennis Ades, DEQ at (503) 229-6351 or by e-mail at:

[ades.dennis@deq.state.or.us](mailto:ades.dennis@deq.state.or.us)

For information on Portland Harbor Superfund activity, contact Jim Anderson, DEQ at (503) 229-6825 or by e-mail at:

[anderson.jim@deq.state.or.us](mailto:anderson.jim@deq.state.or.us)

Or visit DEQ's Portland Harbor Web page at:

[www.deq.state.or.us/nwr/ph.htm](http://www.deq.state.or.us/nwr/ph.htm)

For a list of Willamette Basin Water Quality Studies and information about progress on TMDLs, visit:

[www.deq.state.or.us/wq/Willamet/Will\\_hom.htm](http://www.deq.state.or.us/wq/Willamet/Will_hom.htm)

For the Willamette Restoration Initiative's Strategy:

[www.oregonwri.org/basin\\_strat.html](http://www.oregonwri.org/basin_strat.html)

#### **Chronology**

1938 Citizens pass Water Purification and Prevention of Pollution Bill by initiative, establishing the State Sanitary Authority (predecessor of DEQ) to clean up pollution in the Willamette River.

1941 The Corps of Engineers builds Fern Ridge Dam, the first of its 13 dams in the Willamette Basin.

1944 State agencies analyze pollution and undertake fish surveys in the Willamette. Continuous sampling, monitoring and analyses of pollution over the years led to new treatment requirements, as analyses showed whether initial requirements were achieving the goals of improving river quality.

1949 First sewage treatment plants on the Willamette River completed at Junction City and Newberg. Primary treatment is required by the Sanitary Authority.

1950 Sanitary Authority orders pulp and paper mills to treat wastewater discharges.

1958 Sanitary Authority orders secondary treatment of sewage for some cities and orders Portland to speed construction of its treatment system. Pulp and paper mills are ordered to further reduce pollution loads. Starting in 1958, river flow during low-flow periods doubles due to release of water stored by dams on the river. Increased flows help improve water quality.

1960 Sanitary Authority orders all cities from Salem downstream to install secondary sewage treatment.

1964 Sanitary Authority requires industry to remove 85% of specified pollutant loads from discharges to river.

1968 First year that Willamette River, above Newberg, met all water quality standards in place at that time. State wastewater discharge permit program for industries begins implementation.

1969 The Corps of Engineers builds Blue River Dam, the last of its 13 dams in the Willamette Basin.

1969 The Department of Environmental Quality and Environmental Quality Commission are created. The Sanitary Authority is incorporated into the DEQ.

1972 Congress passes federal Clean Water Act, establishing national goal that waters should be fishable and swimmable by 1985. Permit program is established for municipal and

industry dischargers, setting treatment standards and effluent limits.

1991 Oregon Legislature requests DEQ water quality study of Willamette River.

1991 EPA approves DEQ's water quality management plan to reduce dioxin in the Columbia River Basin, including the Willamette River.

1995 DEQ Willamette River water quality study published. Key findings: The health of the river was rated on an index of 0-9. Health ratings ranged from 6.5 in the upper basin from Eugene to Corvallis to 4.7 in the Newberg Pool where there were common exceedances of toxics standards and significant fish deformities. The stretch from Willamette Falls to the Columbia was rated 4.8 for toxics exceedances and poor physical habitat. Overall health of the river was rated at 5.3. Those undertaking the study believe that 70 to 80 percent of the pollution entering the Willamette River comes from surface runoff. More work is needed to identify gaps in information about toxics, and sources of bacteria found at higher levels than expected.

1996 Willamette River listed as "impaired" under Section 303(d) of Clean Water Act for exceeding standards for biological criteria (fish skeletal deformities), temperature and bacteria.

1998 Willamette River exceedance of toxics standards added to 303(d) list.

1999 National Marine Fisheries Service lists chinook salmon, steelhead and coastal cutthroat trout as threatened under the Endangered Species Act for portions of the Willamette River.

2000 Portland Harbor is listed as a Superfund Site.

2001 Willamette Restoration Initiative publishes the Willamette Restoration Strategy.

Today DEQ continues its work on Willamette Basin TMDLs and the water quality management plan. The mercury TMDL will include all 12 subbasins. The Tualatin Basin has been completed and the Yamhill and Molalla-Pudding subbasins are scheduled to be completed for parameters other than Mercury by 2007. The current TMDLs under development in the Willamette are targeted for completion by 2004.

Agenda Item Number 4.1

Consideration of Minutes of the January 27, 2005 Regular Council meeting.

Metro Council Meeting  
Thursday, February 3, 2005  
Metro Council Chamber



**Ordinance No. 05-1071, For the Purpose of amending the FY 2004-05 budget and appropriations schedule recognizing \$10,000 in grant funds; transferring \$79,640 from the regional parks operating fund contingency; increasing operating expenditures in the regional parks operating fund by \$89,640; authorizing 1.0 FTE receptionist position; and declaring an emergency.**

***First Reading.***

Metro Council Meeting  
Thursday, February 3, 2005  
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE FY	)	ORDINANCE NO. 05-1071
2004-05 BUDGET AND APPROPRIATIONS	)	
SCHEDULE RECOGNIZING \$10,000 IN GRANT	)	Introduced by Mike Jordan, Chief Operating
FUNDS; TRANSFERRING \$79,640 FROM THE	)	Officer, with the concurrence of Council
REGIONAL PARKS OPERATING FUND	)	President Bragdon
CONTINGENCY; INCREASING OPERATING	)	
EXPENDITURES IN THE REGIONAL PARKS	)	
OPERATING FUND BY \$89,640;	)	
AUTHORIZING 1.0 FTE RECEPTIONIST	)	
POSITION; AND DECLARING AN	)	
EMERGENCY	)	

WHEREAS, the Metro Council has reviewed and considered the need to transfer appropriations within the FY 2004-05 Budget; and

WHEREAS, Oregon Budget Law ORS 294.326(3) allows for the expenditure in the year of receipt of grants, gifts, bequests, and other devices received by a municipal corporation in trust for a specific purpose; and

WHEREAS, the need for the transfer of appropriation has been justified; and

WHEREAS, adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 2004-05 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of recognizing \$10,000 in grant funds; transferring \$79,640 from the Regional Parks Operating Fund contingency; increasing operating expenditures in the Regional Parks Operating Fund by \$89,640; and authorizing 1.0 FTE Receptionist position.
2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
David Bragdon, Council President

Attest:

Approved as to Form:

\_\_\_\_\_  
Christina Billington, Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

Exhibit A  
Ordinance No. 05-1071

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>Regional Parks Operating Fund</b>							
<i>Resources</i>							
<b>REGIONAL PARKS &amp; GREENSPACES</b>							
<i>BEGBAL</i>	<i>Beginning Fund Balance</i>		3,700,311		0		3,700,311
<i>GRANTS</i>	<i>Grants</i>						
4110	State Grants - Direct		149,475		10,000		159,475
<i>LGSHRE</i>	<i>Local Gov't Share Revenues</i>						
4135	Marine Board Fuel Tax		115,000		0		115,000
4139	Other Local Govt Shared Rev.		288,975		0		288,975
<i>GVCNTB</i>	<i>Gov't Contributions</i>						
4145	Government Contributions		40,300		0		40,300
<i>CHGSVC</i>	<i>Charges for Service</i>						
4165	Boat Launch Fees		167,495		0		167,495
4230	Product Sales		1,500		0		1,500
4280	Grave Openings		175,000		0		175,000
4285	Grave Sales		128,100		0		128,100
4500	Admission Fees		638,600		0		638,600
4510	Rentals		480,380		0		480,380
4550	Food Service Revenue		19,207		0		19,207
4560	Retail Sales		3,000		0		3,000
4580	Utility Services		750		0		750
4610	Contract Revenue		947,303		0		947,303
4650	Miscellaneous Charges for Svc		31,000		0		31,000
<i>INTRST</i>	<i>Interest Earnings</i>						
4700	Interest on Investments		60,000		0		60,000
<i>DONAT</i>	<i>Contributions from Private Sources</i>						
4750	Donations and Bequests		1,351,000		0		1,351,000
<i>MISCRV</i>	<i>Miscellaneous Revenue</i>						
4890	Miscellaneous Revenue		11,500		0		11,500
<i>INTSRV</i>	<i>Internal Service Transfers</i>						
4980	Transfer for Direct Costs						
	* from Solid Waste Revenue Fund		3,150		0		3,150
<i>EQTREV</i>	<i>Fund Equity Transfers</i>						
4970	Transfer of Resources						
	* from General Fund (general allocation)		476,847		0		476,847
	* from General Fund (1% on SW revenues)		730,198		0		730,198
	* from General Fund (\$1 per ton)		1,235,149		0		1,235,149
	* from General Fund (\$1.50 per ton)		1,512,917		0		1,512,917
	* from General Fund (landbanking)		231,008		0		231,008
<b>TOTAL RESOURCES</b>			<b>\$12,802,808</b>		<b>\$10,000</b>		<b>\$12,812,808</b>

**Exhibit A  
Ordinance No. 05-1071**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>Regional Parks Operating Fund</b>							
<i>Personal Services</i>							
<i>SALWGE Salaries &amp; Wages</i>							
5010	Reg Employees-Full Time-Exempt						
	Director II	1.00	99,470	-	0	1.00	99,470
	Manager II	2.00	168,105	-	0	2.00	168,105
	Program Analyst IV	1.00	57,364	-	0	1.00	57,364
	Service Supervisor IV	2.00	118,002	-	0	2.00	118,002
	Administrative Assistant	1.00	36,217	-	0	1.00	36,217
	Associate Management Analyst	0.75	42,148	-	0	0.75	42,148
	Assistant Management Analyst	1.00	48,568	-	0	1.00	48,568
	Associate Regional Planner	2.00	112,536	-	0	2.00	112,536
	Education Coordinator II	1.00	50,971	-	0	1.00	50,971
	Manager I	2.50	183,097	-	0	2.50	183,097
	Program Analyst III	1.00	48,886	-	0	1.00	48,886
	Senior Regional Planner	2.00	136,604	-	0	2.00	136,604
5015	Reg Empl-Full Time-Non-Exempt						
	Arborist	1.00	47,544	-	0	1.00	47,544
	Park Ranger	12.00	503,124	-	0	12.00	503,124
	Program Assistant 2	1.00	39,964	-	0	1.00	39,964
	Education Coordinator I	1.50	64,712	-	0	1.50	64,712
	Receptionist	-	0	1.00	10,962	1.00	10,962
	Secretary	3.00	93,026	-	0	3.00	93,026
	Senior Gardener	1.00	41,927	-	0	1.00	41,927
5020	Reg Empl-Part Time-Exempt						
	Senior Regional Planner	0.80	60,481	-	0	0.80	60,481
	Associate Regional Planner	1.30	66,214	-	0	1.30	66,214
	Volunteer Coordinator II	1.00	56,196	-	0	1.00	56,196
	Asst. Public Affairs Specialist	0.50	23,110	-	0	0.50	23,110
5030	Temporary Employees		370,078		(12,060)		358,018
5080	Overtime		15,420		0		15,420
	Salary Adjustments						
	Adjustment Pool (Non-Rep/AFSCME)		71,532		0		71,532
	COLA (all other employee groups)		11,852		0		11,852
<i>FRINGE Fringe Benefits</i>							
5100	Fringe Benefits						
	Base Fringe		842,738		1,098		843,836
<b>Total Personal Services</b>		<b>40.35</b>	<b>\$3,409,886</b>	<b>1.00</b>	<b>\$0</b>	<b>41.35</b>	<b>\$3,409,886</b>

**Exhibit A**  
**Ordinance No. 05-1071**

ACCT	DESCRIPTION	Current Budget		Revision		Amended Budget	
		FTE	Amount	FTE	Amount	FTE	Amount
<b>Regional Parks Operating Fund</b>							
<u><i>Materials &amp; Services</i></u>							
<i>GOODS Goods</i>							
5201	Office Supplies		44,320		0		44,320
5205	Operating Supplies		61,280		0		61,280
5210	Subscriptions and Dues		2,450		0		2,450
5215	Maintenance & Repairs Supplies		84,210		0		84,210
5225	Retail		10,900		0		10,900
<i>SVCS Services</i>							
5240	Contracted Professional Svcs		2,112,258		43,000		2,155,258
5250	Contracted Property Svcs		26,148		0		26,148
5251	Utility Services		108,865		0		108,865
5255	Cleaning Services		250		0		250
5260	Maintenance & Repair Services		57,915		33,257		91,172
5265	Rentals		34,630		0		34,630
5270	Insurance		18,000		0		18,000
5280	Other Purchased Services		41,235		0		41,235
5290	Operations Contracts		1,600		0		1,600
<i>IGEXP Intergov't Expenditures</i>							
5300	Payments to Other Agencies		273,340		0		273,340
5310	Taxes (Non-Payroll)		158,100		13,383		171,483
<i>OTHEXP Other Expenditures</i>							
5450	Travel		3,110		0		3,110
5455	Staff Development		10,800		0		10,800
5490	Miscellaneous Expenditures		17,971		0		17,971
<b>Total Materials &amp; Services</b>			<b>\$3,067,382</b>		<b>\$89,640</b>		<b>\$3,157,022</b>
<b>Total Interfund Transfers</b>			<b>\$2,902,040</b>		<b>\$0</b>		<b>\$2,902,040</b>
<u><i>Contingency and Ending Balance</i></u>							
<i>CONT Contingency</i>							
5999	Contingency						
	* General contingency		185,427		(79,640)		105,787
	* Prior Year PERS Reserve		143,000		0		143,000
	* Current Year PERS Reserve		145,716		0		145,716
<i>UNAPP Unappropriated Fund Balance</i>							
5990	Unappropriated Fund Balance						
	* Undesignated		955,697		0		955,697
	* Cash Flow Reserve		961,000		0		961,000
	* Renew, Replacement & Capital Imp		1,032,660		0		1,032,660
<b>Total Contingency and Ending Balance</b>			<b>\$3,423,500</b>		<b>(\$79,640)</b>		<b>\$3,343,860</b>
<b>TOTAL REQUIREMENTS</b>		<b>40.35</b>	<b>\$12,802,808</b>	<b>1.00</b>	<b>\$10,000</b>	<b>41.35</b>	<b>\$12,812,808</b>

**Exhibit B**  
**Ordinance No. 05-1071**  
**FY 2004-05 SCHEDULE OF APPROPRIATIONS**

	<u>Current Appropriation</u>	<u>Revision</u>	<u>Amended Appropriation</u>
<b>REGIONAL PARKS OPERATING FUND</b>			
Operating Expenses (PS & M&S)	\$6,477,268	89,640	\$6,566,908
Interfund Transfers	2,902,040	0	2,902,040
Contingency	474,143	(79,640)	394,503
Unappropriated Balance	2,949,357	0	2,949,357
<b>Total Fund Requirements</b>	<b>\$12,802,808</b>	<b>\$10,000</b>	<b>\$12,812,808</b>

*All Other Appropriations Remain as Previously Adopted*

## STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 05-1071, FOR THE PURPOSE OF AMENDING THE FY 2004-05 BUDGET AND APPROPRIATIONS SCHEDULE RECOGNIZING \$10,000 IN GRANT FUNDS; TRANSFERRING \$79,640 FROM THE REGIONAL PARK OPERATING FUND CONTINGENCY; INCREASING OPERATING EXPENDITURES IN THE REGIONAL PARKS OPERATING FUND BY \$89,640; AUTHORIZING 1.0 FTE RECEPTIONIST POSITION; AND DECLARING AN EMERGENCY

---

Date: January 14, 2005

Prepared by: Jeff Tucker

### BACKGROUND

The Regional Parks and Greenspaces Department, in reviewing its funds for the current year, has four separate unforeseen needs that would require budget amendment and address this year.

#### **Emergency Repairs at Gleason Boat Ramp**

Immediately upriver of the boat ramp there is a row of aging pilings with timbers ("trash rack") with a protective log boom cabled to it. This trash rack and boom protects the boat basin and its infrastructure from being damaged from river debris. High winds causing rough water and fluctuating water levels have weakened these structures over time. Recently portions of the log boom became unsecured and logs broke loose and are lodged in the trash rack and docks as well as near the Multnomah County River Patrol and Port of Portland's boathouses. This facility is on the CIP for a major facility upgrade with Phase I taking place this fiscal year. Upgrades to the in-water infrastructure will be occurring in the next few years, which includes a total replacement of the existing aged trash rack and log boom.

In order to continue to protect the existing infrastructure (docks, boathouses, concrete ramp) and provide for visitor safety, an emergency repair consisting of retrieval of the displaced logs and reconstructing the log boom and securing it to the trash rack, replacement of the hoops which secure the docks to the pilings, and the replacement of some timbers on the trash rack needs to occur immediately.

The Oregon State Marine Board has awarded Metro an emergency repair grant of up to \$10,000 toward this project.

#### ***Regional Parks Operating Fund***

New Revenues - State Grant (direct):	\$10,000
Maintenance & Repairs	\$18,000
Contingency	(\$ 8,000)

#### **Emergency Repairs and Additional Property Tax Payments**

For over two years, the department has been negotiating with the Multnomah County Assessor's Office over which properties purchased under the 1995 Open Spaces Bond Measure should be taxable, and to what extent. Properties that are leased lose their tax-exempt status, and where portions of the property are leased, the county must determine the relationship between the leased portion and the entire site. In summer 2004, this discussion concluded. The property tax liability due in November 2004 was \$57,383,

while the budget is only \$44,000. Additionally in the Property management program, there have been a number of extra-ordinary maintenance items that have come up this year that were not planned or budgeted for. These include the installation of a new boiler (\$6,765), the replacement of an oil furnace upflow devise (\$3,649), and grading and removing debris (\$4,843) this fiscal year where an emergency septic problem was fixed in June 2004. The total cost of these unanticipated expenses is \$15,257. This budget amendment moves this amount up from the department contingency into the Contracted Property Services budget.

***Regional Parks Operating Fund***

Property Taxes	\$13,383
Maintenance & Repairs	\$15,257
Contingency	(\$28,640)

**Contracted Services to Support Greenspaces Policy Advisory Committee**

Temporary contracted professional services are necessary to support the Greenspaces Policy Advisory Committee for the remainder of FY 2004-05. This contract will provide support to the chair of the GPAC committee, as approved by Metro staff, in the area of Regional Greenspaces System support, particularly the development of long-term strategies for implementation of the regional system.

***Regional Parks Operating Fund***

Contracted Professional Services	\$43,000
Contingency	(\$43,000)

**Convert Cemetery Temporary Employee to Permanent Employee**

For several years, the Pioneer Cemetery Office has employed a temporary employee to do various tasks, including reception, filing grave sale deeds with the County, and acting as a backup and assistant to the cemeteries program coordinator. Since that program has been moved in the Metro Regional Center, this position has expanded to provide office support for the entire department, including compilation and summary of timesheets, ordering supplies, and backing up the department's front desk reception area. The department sought the advice of the Human Resources office, and has been informed that this temporary position should be recognized as a permanent employee, as it no longer meets the definitions of a temporary employee as defined in the AFSCME contract. This action has no direct impact on the department's budget, as temporary employee salary budget will be reduced to compensate for the conversion of this position to permanent status. The proposed FY 2005-06 budget will include this position as a permanent position.

***Regional Parks Operating Fund***

Expenditures - Temporary Employee Salary:	\$ (12,060)
Expenditures - Permanent Employee Salary:	\$ 10,962
<u>Expenditures - Increase Fringe Benefits:</u>	<u>\$ 1,098</u>
Net change to Personal Services Budget	\$ 0

Increase Department Budget FTE: 1.0 FTE



## **ANALYSIS/INFORMATION**

1. **Known Opposition** None known
2. **Legal Antecedents** ORS 294.326(3) provides an exemption to Oregon Budget Law allowing for the expenditure in the year of receipt of grants, gifts and bequests received by a municipal corporation in trust for a specific purpose. ORS 294.450 provides for transfers of appropriations within a fund, including transfers from contingency, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction.
3. **Anticipated Effects** This action allows the department to recognize the grant dedicated to the project described in this staff report and make expenditures to fulfill the terms of the grant. This action also transfers appropriation authority from contingency to operating expenses.
4. **Budget Impacts** This action requests the recognition of \$10,000 in State Direct Grants, according to Exhibit A. This action also increases appropriation authority in the Regional Parks Fund Operating Expenditures by \$89,640 as described in Exhibit B Schedule of Appropriations.

## **RECOMMENDED ACTION**

The Chief Operating Officer recommends adoption of this Ordinance.

Agenda Item Number 6.1

**Resolution No. 05-3531, For the Purpose of Authorizing the Chief  
Operating Officer to Donate Two Parcels of Land to the Oregon  
Department of Transportation.**

Metro Council Meeting  
Thursday, February 3, 2005  
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE ) RESOLUTION NO. 05-3531  
CHIEF OPERATING OFFICER TO DONATE )  
TWO PARCELS OF LAND TO THE OREGON )  
DEPARTMENT OF TRANSPORTATION TO ) Introduced by Michael J. Jordan, Chief  
COMPLETE THE McLOUGHLIN BOULEVARD ) Operating Officer, with the Concurrence of  
IMPROVEMENT PROJECT ) David Bragdon, Council President

WHEREAS, in May 1995 the Metro Area voters approved Ballot Measure 26-26, authorizing Metro to issue \$135.6 million in general obligation bonds for Open Spaces, Parks, Trails and Streams (the "Bond Measure"), and providing that \$25 million from bond proceeds be used by local parks providers "to buy and make capital improvements on land for local open spaces and trails," and "to pay administrative costs associated with (said) land acquisition and capital improvements" (the "Local Share"); and

WHEREAS, Metro Council Resolution 01-3142 ("For the Purpose of Authorizing the Executive Officer to Purchase the Portland Traction Company's Former Railway Corridor From the Union Pacific Railroad"), adopted on December 6, 2001, authorized Metro to purchase the Trolley Trail Corridor with funding from North Clackamas Parks and Recreation District's Open Space Bond Measure Local Share allocation, whereupon Metro purchased the Trolley Trail Corridor on December 19, 2001; and

WHEREAS, in September of 2002, Metro and NCPRD entered into an Intergovernmental Agreement "Regarding Land Acquisition, Planning and Management Services for the Trolley Trail," Metro Contract No. 923742 (the "Trolley Trail IGA"), for the purpose of authorizing Metro to carry out the Trolley Trail Project as described in the Local Share IGA; and

WHEREAS, via Metro Council Resolution 04-3435 ("For The Purpose of Council Approval of the Trolley Trail Master Plan"), adopted on March 18, 2004, the Metro Council approved the Trolley Trail Master Plan created by Metro pursuant to the Trolley Trail IGA; and

WHEREAS, the Oregon Department of Transportation (ODOT) is currently acquiring right-of way for the \$4.1 million McLoughlin Boulevard Improvement Project in downtown Milwaukie, between SE Harrison Street and the Kellogg Creek Bridge, which is funded by Metropolitan Transportation Improvement Program (MTIP), Oregon Transportation Investment Act (OTIA) and the City of Milwaukie; and

WHEREAS, in order for ODOT to complete the McLoughlin Boulevard Improvement Project, it must obtain title to two small parcels (1,161 sq. ft. and 921 sq. ft in area) of the Trolley Trail Corridor (the "Donation Property") as described in Exhibit A attached hereto, for construction of a 12 feet wide sidewalk, and ODOT has requested that Metro donate said lands; and

WHEREAS, the sidewalk proposed by ODOT to be built on Donation Property is consistent with the Metro Council approved Trolley Trail Master Plan; and

WHEREAS, Metro Code Section 2.04.026 (a)(3) requires that the Chief Operating Officer obtain the authorization of the Metro Council before transferring title to Metro real property; now therefore

BE IT RESOLVED that the Metro Council authorizes the Chief Operating Officer to donate the Oregon Department of Transportation two parcels of land as set forth in Exhibit A attached hereto for the McLoughlin Boulevard Improvement Project.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

---

David Bragdon, Council President

Approved as to Form:

---

Daniel B. Cooper, Metro Attorney

**Exhibit A-1**  
**Legal Description**

**Exhibit A-2**  
**ODOT Site Map**  
**Trolley Trail Corridor**

**Parcel 1 - Fee**

A parcel of land lying in the Northeast one-quarter of Section 35, Township 1 South, Range 1 East, W.M., Clackamas County, Oregon and being a portion of that property described in that Quitclaim Deed to Metro recorded December 19, 2001 in Document Number 2001-107596, Clackamas County Deed Records, the said parcel being that portion of said property included in a strip of land variable in width lying on the Westerly side of the center line of the relocated Pacific Highway East (US 99E), which center line is described as follows:

Beginning at Engineer's center line Station "US 99E" 315+00.00, said station being 972.57 feet South and 98.30 feet East from the Southwest corner of Block 28, Town of Milwaukie in the Northeast one-quarter of Section 35, Township 1 South, Range 1 East, W.M.; thence North 8° 07' 00" West 490.44 feet; thence on a 3274.04 foot radius curve left (the long chord of which bears North 9° 24' 02" West 146.72 feet) 146.73 feet; thence North 10° 41' 04" West 143.41 feet; thence on a 3274.04 foot radius curve to the right (the long chord of which bears North 9° 24' 02" West 146.72 feet) 146.73 feet; thence North 8° 07' 00" West 568.72 feet; thence on a spiral curve right (the chord of which bears North 4° 21' 20" West 643.89 feet) 645.00 feet; thence on a 1637.02 foot radius curve right (the long chord of which bears North 4° 03' 05" East 50.31 feet) 50.31 feet; thence on a spiral curve right (the chord of which bears North 9° 35' 56" East 399.73 feet) 400.00 feet to Engineer's center line Station "US 99E" 340+91.34 back = Station 340+90.74 ahead; thence North 11° 55' 55" East 198.87 feet to Engineer's center line Station "US 99E" 342+89.61.

The width in feet of said strip of land is as follows:

"US 99E" Station	to	"US 99E" Station	Width on Westerly side of center Line
320+50.00		323+70.00	54.50 in a straight line to 55.00

Bearings are based on the Oregon Coordinate System of 1983(98), North zone.

This parcel of land contains 1,161 square feet, more or less.

**Parcel 2 - Fee**

A parcel of land lying in the Northeast one-quarter of Section 35, Township 1 South, Range 1 East, W.M., Clackamas County, Oregon and being a portion of that property described in that Quitclaim Deed to Metro recorded December 19, 2001 in Document Number 2001-107596, Clackamas County Deed Records, the said parcel being that portion of said property included in a strip of land variable in width lying on the Westerly side of the center line of the relocated Pacific Highway East (US 99E), which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

<u>"US 99E" Station</u>	<u>to</u>	<u>"US 99E" Station</u>	<u>Width on Westerly side of center Line</u>
324+00.00		324+40.00	51.94 in a straight line to 96.61

This parcel of land contains 921 square feet, more or less.



Deed R 96-58448

City Of Milwaukee  
Deed R 74-00554

Metro  
Deed R 2001-107596

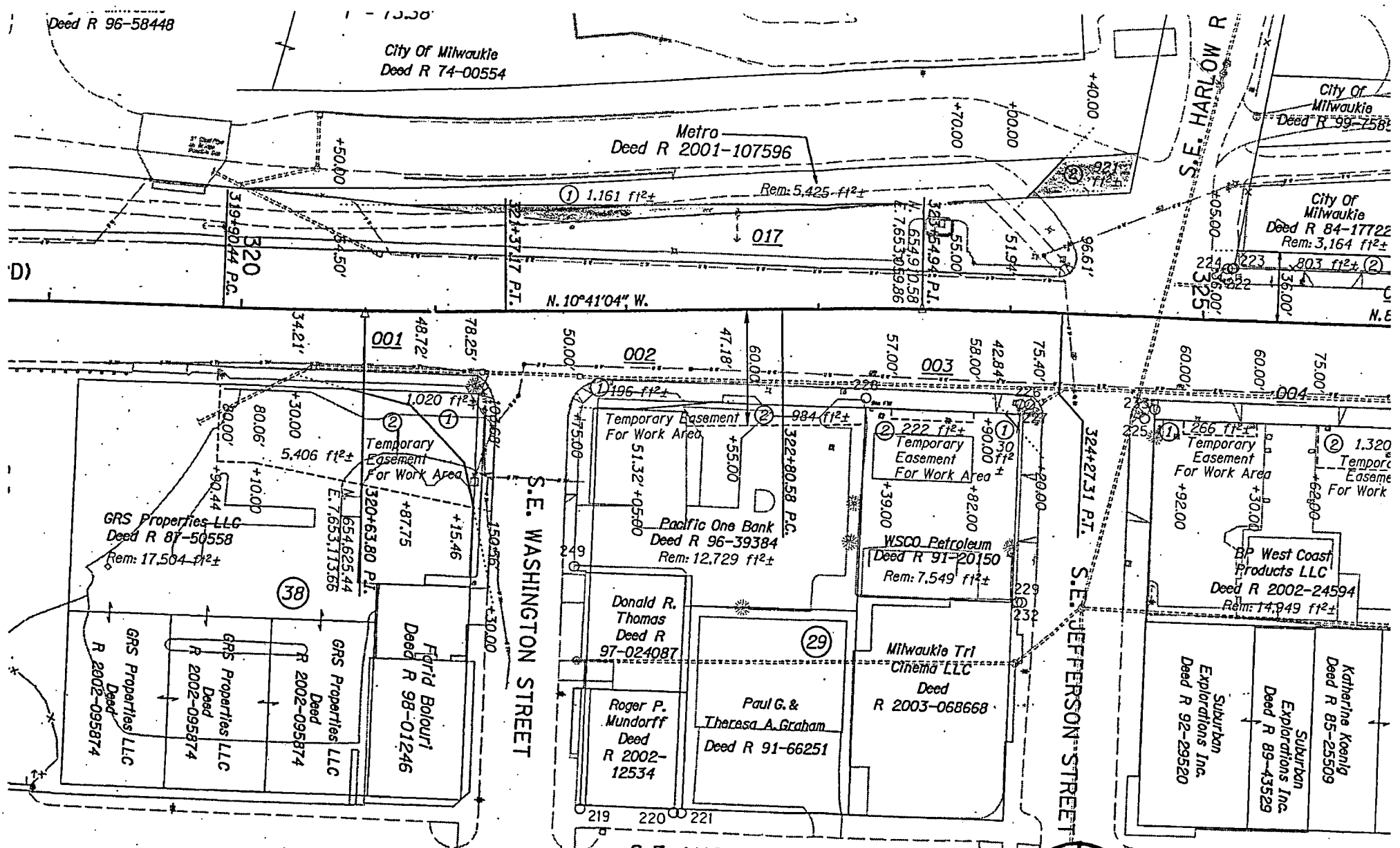
City Of Milwaukee  
Deed R 99-7588

City Of Milwaukee  
Deed R 84-17722  
Rem: 3,164 ft<sup>2</sup>±

D)

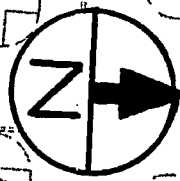
N. 10°41'04" W.

N. E



S.E. MAIN STREET

R = 3,274.04'  
L = 146.73'  
Δ = 2°34'04"  
T = 73.38'



MILWAUKIE

Reso. No. 05-3531, Exhibit A-2  
ODOT Site Map  
Trolley Trail Corridor

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 05-3531, FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO DONATE TWO PARCELS OF LAND TO THE OREGON DEPARTMENT OF TRANSPORTATION TO COMPLETE THE McLOUGHLIN BOULEVARD IMPROVEMENT PROJECT

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Date: January 12, 2005

Prepared by: Jim Desmond  
and Mel Huie

## BACKGROUND

The Oregon Department of Transportation is currently acquiring right-of way for the McLoughlin Boulevard Improvement Project (the "ODOT Project") The ODOT Project is located along SE McLoughlin Boulevard in downtown Milwaukie, and stretches five blocks, between SE Harrison Street and the Kellogg Creek Bridge. The ODOT Project will consist of rebuilding the street and curbs, and installing sidewalks, bike lanes, decorative lighting, improved left turn lanes, a median strip and street trees. Pedestrian and bicycle access to the downtown Milwaukie, the Willamette riverfront and the future Trolley Trail will be improved.

Funding for the \$4.1 million project is provided by Metropolitan Transportation Improvement Program (MTIP), Oregon Transportation Investment Act (OTIA) and the City of Milwaukie. The project begins with bid opening in March 2005, followed by construction beginning in May 2005; with project completion estimated by June 30, 2006. In the next few years, ODOT will make other similar improvements on SE McLoughlin Boulevard south to Naef Road using funding from its Road Preservation Program.

In order for ODOT to complete the McLoughlin Boulevard Improvement Project, it must obtain title to two small pieces of the former Portland Traction Company railway corridor, which was purchased by Metro for construction of the Trolley Trail in 2001, using a portion of North Clackamas Parks and Recreation District's (NCPRD) "Local Share Funds" from the Open Spaces Bond. The parcels sought by ODOT are 1,161 sq. ft. and 921 sq. ft in area. ODOT will build a new sidewalk (12' wide in concrete) on top of these two parcels, which will thereafter serve as the Milwaukie section of the Trolley Trail. The sidewalk proposed by ODOT is consistent with the Metro Council approved Trolley Trail Master Plan.

If this proposed resolution is approved, Metro will donate the land to ODOT for incorporation into the ODOT Project. ODOT's appraisal reports the Fair Market Value (FMV) of the land to be \$650.

## ANALYSIS / INFORMATION

1. **Known Opposition:** None
2. **Legal Antecedents:**

In May 1995, the Metro Area voters approved Ballot Measure 26-26, authorizing Metro to issue \$135.6 million in general obligation bonds for Open Spaces, Parks, Trails and Streams (the

“Bond Measure”), and providing that \$25 million from bond proceeds be used by local parks providers “to buy and make capital improvements on land for local open spaces and trails,” and “to pay administrative costs associated with (said) land acquisition and capital improvements.”

The Open Spaces Implementation Work Plan, adopted by the Metro Council via Resolution 95-2228A (“For the Purpose of Authorizing the Executive Officer to Purchase Property With Accepted Acquisition Guidelines as Outlined in the Open Space Implementation Work Plan”) adopted on November 2, 1995 (and amended via Resolution 96-2424, “For the Purpose of Authorizing the Executive Officer to Purchase Property With Accepted Acquisition Guidelines as Outlined in the Amended Open Spaces Implementation Work Plan,” on January 9, 1997), was established to implement the Open Spaces, Parks and Streams Bond Measure passed by the voters of the Metro Area in 1995.

Metro and NCPRD are parties to an Intergovernmental Agreement, Metro Contract No. 904589, allocating NCPRD’s Open Spaces Bond Measure Local Share Component (“Local Share IGA”), as amended and extended through December 31, 2005.

Metro Council Resolution 01-3142 (“For the Purpose of Authorizing the Executive Officer to Purchase the Portland Traction Company’s Former Railway Corridor From the Union Pacific Railroad”) adopted on December 6, 2001, authorized Metro to purchase the Trolley Trail Corridor with funding from NCPRD’s Open Space Bond Measure Local Share allocation.

In September of 2002, Metro and NCPRD entered into an Intergovernmental Agreement “Regarding Land Acquisition, Planning and Management Services for the Trolley Trail,” Metro Contract No. 923742, for the purpose of authorizing Metro to carry out the Trolley Trail Project as described in the Local Share IGA.

Metro Council Resolution 04-3435 (“For The Purpose of Council Approval of the Trolley Trail Master Plan”) adopted on March 18, 2004, provided Metro Council approval of the Trolley Trail Master Plan.

Metro Code 2.04.026 (a)(3) requires that the Chief Operating Officer obtain the authorization of the Metro Council prior to executing any contract for sale or other transfer of Metro real property.

3. **Anticipated Effects:** Allows ODOT to build a portion of the Trolley Trail along the west side of McLoughlin Boulevard in downtown Milwaukie (e.g., 12 feet wide concrete sidewalk) on top of the proposed land donation and to maintain the sidewalk as well. Allows for the completion of an MTIP funded project approved by Metro, and increases pedestrian and bicyclist access to downtown Milwaukie, and the Willamette River.
4. **Budget Impacts:** ODOT and City of Milwaukie will pay for the design and construction of the new sidewalk. ODOT will maintain the sidewalk. No cost to Metro. The ODOT Project saves Metro and NCPRD money.

## **RECOMMENDED ACTION**

Chief Operating Officer Michael J. Jordan recommends approval of Resolution No. 05-3531.

Agenda Item Number 6.2

**Resolution No. 05-3532, For the Purpose of Authorizing the Chief  
Operating Officer to Transfer Real Property to the North Clackamas  
Parks and Recreation District.**

Metro Council Meeting  
Thursday, February 3, 2005  
Metro Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE	)	RESOLUTION NO. 05-3532
CHIEF OPERATING OFFICER TO CONVEY	)	
REAL PROPERTY TO THE NORTH	)	Introduced by Michael J. Jordan, Chief
CLACKAMAS PARKS AND RECREATION	)	Operating Officer, with the Concurrence of
DISTRICT	)	David Bragdon, Council President

WHEREAS, in May 1995 the Metro Area voters approved Ballot Measure 26-26, authorizing Metro to issue \$135.6 million in general obligation bonds for Open Spaces, Parks, Trails and Streams (the "Bond Measure"), and providing that \$25 million from bond proceeds be used by local parks providers "to buy and make capital improvements on land for local open spaces and trails," and "to pay administrative costs associated with (said) land acquisition and capital improvements" (the "Local Share"); and

WHEREAS, Metro Council Resolution 01-3142 ("For the Purpose of Authorizing the Executive Officer to Purchase the Portland Traction Company's Former Railway Corridor From the Union Pacific Railroad"), adopted on December 6, 2001, authorized Metro to purchase the Trolley Trail Corridor with funding from North Clackamas Parks and Recreation District's ("NCPRD") Open Space Bond Measure Local Share allocation, whereupon Metro purchased the Trolley Trail Corridor on December 19, 2001; and

WHEREAS, in September of 2002, at NCPRD's request, Metro and NCPRD entered into an Intergovernmental Agreement "Regarding Land Acquisition, Planning and Management Services for the Trolley Trail," Metro Contract No. 923742, (the "Trolley Trail IGA"), for the purpose of authorizing Metro to carry out the Trolley Trail Local Share Project as described in the Local Share IGA on NCPRD behalf; and

WHEREAS, Metro conducted a master planning process in accord with the Trolley Trail IGA, culminating in the production of the Trolley Trail Master Plan, which was approved by the Metro Council via Resolution 04-3435 ("For The Purpose Of Council Approval Of The Trolley Trail Master Plan") adopted on March 18, 2004; and

WHEREAS, Metro and NCPRD now wish to provide for the transfer of title to the Trolley Trail Property, described in Exhibit A to the Deed from Metro to NCPRD attached hereto, for purposes of Trolley Trail Master Plan implementation by NCPRD; now therefore

BE IT RESOLVED that the Metro Council authorizes the Chief Operating Officer to convey the Trolley Trail Corridor to the North Clackamas Parks and Recreation District by Deed attached hereto.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
David Bragdon, Council President

Approved as to Form:

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

**Exhibit A**  
**Statutory Quitclaim Deed**

**Exhibit A to Resolution No. 05-3532  
Statutory Quitclaim Deed**

Until a change is requested,  
all tax statements shall be sent to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

After recording return to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**STATUTORY QUITCLAIM DEED**

Metro, a municipal corporation and political subdivision of the State of Oregon, Grantor, releases and quitclaims to North Clackamas Parks and Recreation District, a subdivision of Clackamas County, Oregon, Grantee, all right, title, and interest in and to the real property described in Exhibit A, attached hereto.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OF COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is value given other than monetary consideration.

DATED: \_\_\_\_\_, 2005.

Grantor:  
METRO

\_\_\_\_\_  
Michael J. Jordan  
Chief Operating Officer

**Exhibit A to Resolution No. 05-3532  
Statutory Quitclaim Deed**

State of Oregon                    )  
  ) *ss.*  
County of Multnomah            )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2005, before me \_\_\_\_\_,  
the undersigned Notary Public, personally appeared Michael J. Jordan, in his capacity as Chief  
Operating Officer of Metro, a municipal corporation and political subdivision of the state of  
Oregon, personally known to me (or proved to be on the basis of satisfactory evidence) to be the  
person whose name is subscribed to this instrument, and acknowledged that he executed it.

\_\_\_\_\_  
My commission expires: \_\_\_\_\_



**Exhibit A to Resolution No. 05-3532  
Statutory Quitclaim Deed**

**Exhibit A  
Portland Traction Company, Clackamas County, Oregon  
Legal Description**

Any and all right, title and interest in and to those parcels of land, commencing at the south line of Jefferson Street and running generally in a southerly direction to the north line of Glen Echo Road, as was conveyed to the East Side Railway Company, predecessor to Union Pacific Railroad Company and recorded in the Clackamas County Recorder's Office, State of Oregon, as follows:

<b>Grantor</b>	<b>Recorded</b>	<b>Book</b>	<b>Page</b>
Milwaukie Land Company	March 24, 1893	51	172
D.W. Crowley, et al.	April 25, 1893	51	292
John Wetzler, et ux.	October 15, 1892	50	37
J.W. Sauber, et ux.	October 15, 1892	50	35
Abraham Hager, et ux.	August 22, 1893	53	138
John L. Bernard	October 15, 1892	50	34
John F. Broetje	October 15, 1892	50	32
Oak Grove Land Improvement Co.	March 29, 1893	51	194
J.S. Risley	October 15, 1892	50	39
John W. Meldrum, et al.	February 18, 1901	77	148
Jacob Naef	March 10, 1893	51	139
William T. Burney	October 15, 1892	50	41
John G. Roethe	February 22, 1893	50	467
August F. Neunert, et ux.	March 24, 1893	51	173
John W. Meldrum, et al.	March 15, 1893	52	63
John W. Meldrum, et al.	March 15, 1893	51	148
George P. Meldrum	March 10, 1893	51	131

And those parcels conveyed to Portland Railway Light & Power Company, predecessor to Union Pacific Railroad Company, recorded in the Clackamas County Recorder's Office, State of Oregon, as follows:

<b>Grantor</b>	<b>Recorded</b>	<b>Book</b>	<b>Page</b>
Ellen Coleman	July 8, 1909	109	602
J.H. McArthur	December 22, 1911	127	164
Emily C. Shaw et vir.	June 6, 1932	216	4

**Exhibit A to Resolution No. 05-3532  
Statutory Quitclaim Deed**

And those parcels conveyed to Pacific Electric Power Company, predecessor to Union Pacific Railroad Company, recorded in the Clackamas County Recorder's Office, State of Oregon, as follows:

<b>Grantor</b>	<b>Recorded</b>	<b>Book</b>	<b>Page</b>
Hawley Pulp & Paper Co.	May 22, 1935	227	371
State of Oregon	April 26, 1935	227	166
State of Oregon	May 1, 1935	227	212
James F. Lytle	October 20, 1928	195	104
Clackamas County	March 16, 1935	226	432
Julia Mathews	March 10, 1934	222	222

And those parcels conveyed to Portland City & Oregon Railway Company, predecessor to Union Pacific Railroad Company, recorded in the Clackamas County Recorder's Office, State of Oregon, as follows:

<b>Grantor</b>	<b>Recorded</b>	<b>Book</b>	<b>Page</b>
Mary Ryan, Executrix	January 4, 1902	79	54
Jane Atkinson	September 25, 1901	78	167
Issac Jacobs, et al.	January 24, 1902	79	131
Henry W. Fries, et ux.	September 25, 1901	78	169
James Steel, et ux.	September 10, 1901	78	150
J. Frank Watson	December 23, 1901	78	466
Dora Quant	December 19, 1901	79	21

And those parcels conveyed to Pacific Northwest Public Service Company, predecessor to Union Pacific Railroad Company, recorded in the Clackamas County Recorder's Office, State of Oregon, as follows:

<b>Grantor</b>	<b>Recorded</b>	<b>Book</b>	<b>Page</b>
A.A. Webster, et al.	January 19, 1933	209	408
Clackamas County	June 8, 1932	216	22

**EXCEPTING THEREFROM** those portions as conveyed to the County of Clackamas by deed recorded June 16, 1932, in Book 216, Page 95, Official Records.

**Exhibit A to Resolution No. 05-3532  
Statutory Quitclaim Deed**

**ALSO EXCEPTING THEREFROM the following described real property:**

**Parcel 1**

A parcel of land lying in the Northeast one-quarter of Section 35, Township 1 South, Range 1 East, W.M., Clackamas County, Oregon and being a portion of that property described in that Quitclaim Deed to Metro recorded December 19, 2001 in Document Number 2001-107596, Clackamas County Deed Records, the said parcel being that portion of said property included in a strip of land variable in width lying on the Westerly side of the center line of the relocated Pacific Highway East (US 99E), which center line is described as follows:

Beginning at Engineer's center line Station "US 99E" 315+00.00, said station being 972.57 feet South and 98.30 feet East from the Southwest corner of Block 28, Town of Milwaukie in the Northeast one-quarter of Section 35, Township 1 South, Range 1 East, W.M.; thence North 8° 07' 00" West 490.44 feet; thence on a 3274.04 foot radius curve left (the long chord of which bears North 9° 24' 02" West 146.72 feet) 146.73 feet; thence North 10° 41' 04" West 143.41 feet; thence on a 3274.04 foot radius curve to the right (the long chord of which bears North 9° 24' 02" West 146.72 feet) 146.73 feet; thence North 8° 07' 00" West 568.72 feet; thence on a spiral curve right (the chord of which bears North 4° 21' 20" West 643.89 feet) 645.00 feet; thence on a 1637.02 foot radius curve right (the long chord of which bears North 4° 03' 05" East 50.31 feet) 50.31 feet; thence on a spiral curve right (the chord of which bears North 9° 35' 56" East 399.73 feet) 400.00 feet to Engineer's center line Station "US 99E" 340+91.34 back = Station 340+90.74 ahead; thence North 11° 55' 55" East 198.87 feet to Engineer's center line Station "US 99E" 342+89.61.

The width in feet of said strip of land is as follows:

<u>"US 99E" Station</u>	<u>to</u>	<u>"US 99E" Station</u>	<u>Width on Westerly side of center Line</u>
320+50.00		323+70.00	54.50 in a straight line to 55.00

**Parcel 2**

A parcel of land lying in the Northeast one-quarter of Section 35, Township 1 South, Range 1 East, W.M., Clackamas County, Oregon and being a portion of that property described in that Quitclaim Deed to Metro recorded December 19, 2001 in Document Number 2001-107596, Clackamas County Deed Records, the said parcel being that portion of said property included in a strip of land variable in width lying on the Westerly side of the center line of the relocated Pacific Highway East (US 99E), which center line is described in Parcel 1.

Bearings are based on the Oregon Coordinate System of 1983(98), North zone

The width in feet of said strip of land is as follows:

<u>"US 99E" Station</u>	<u>to</u>	<u>"US 99E" Station</u>	<u>Width on Westerly side of center Line</u>
324+00.00		324+40.00	51.94 in a straight line to 96.61

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 05-3532, FOR THE PURPOSE OF  
AUTHORIZING THE CHIEF OPERATING OFFICER TO CONVEY REAL  
PROPERTY TO THE NORTH CLACKAMAS PARKS AND RECREATION  
DISTRICT

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Date: January 20, 2005

Prepared by: Jim Desmond

## BACKGROUND

In 2001, the North Clackamas Parks and Recreation District ("NCPRD") requested that Metro Parks and Greenspaces assume responsibility and authority to implement NCPRD's Trolley Trail local share project, citing a lack of staff to continue or conduct the negotiation, research, investigation, analyses, acquisition, post-acquisition stabilization and master planning of the Trolley Trail Corridor Property. In January of 2002, in accord with Metro Council Resolution 01-3142 ("For the Purpose of Authorizing the Executive Officer to Purchase the Portland Traction Company's Former Railway Corridor From the Union Pacific Railroad") Metro acquired the Trolley Trail Corridor Property from the Union Pacific Railroad, and entered into an Intergovernmental Agreement with NCPRD for land acquisition, planning and management services for the Trolley Trail (the "Trolley Trail IGA"). The Trolley Trail IGA provides that, up to the limits of NCPRD's local share funding, Metro will perform land acquisition services, take title to the Trolley Trail Corridor Property, perform a master plan, obtain a boundary survey and perform stabilization services on the Trolley Trail Corridor Property.

In accord with the Trolley Trail IGA, Metro performed further investigation of the Trolley Trail Corridor Property, including a boundary survey and the resolution of certain encroachments, conducted public involvement and produced a master plan for the Trolley Trail, and provided extensive stabilization and land management services. Metro has now completed the scope of services provided for under the Trolley Trail IGA, the term of the Trolley Trial IGA has expired, and NCPRD is prepared to resume full responsibility for the Trolley Trail Corridor Property and begin the design phase of the Trolley Trail local share project. It was always anticipated that Metro would transfer title to NCPRD at the appropriate time.

If this proposed resolution is approved, Metro will transfer title to the Trolley Trail Corridor Property to NCPRD.

## ANALYSIS / INFORMATION

1. **Known Opposition:** None
2. **Legal Antecedents:**

In May 1995, the Metro Area voters approved Ballot Measure 26-26, authorizing Metro to issue \$135.6 million in general obligation bonds for Open Spaces, Parks, Trails and Streams (the "Bond Measure"), and providing that \$25 million from bond proceeds be used by local parks providers "to buy and make capital improvements on land for local open spaces and trails," and "to pay administrative costs associated with (said) land acquisition and capital improvements."

Metro and NCPRD are parties to an Intergovernmental Agreement, Metro Contract No. 904589, allocating NCPRD's Open Spaces Bond Measure Local Share Component, ("Local Share IGA"), as amended and extended through December 31, 2005.

Metro Council Resolution 01-3142 ("For the Purpose of Authorizing the Executive Officer to Purchase the Portland Traction Company's Former Railway Corridor From the Union Pacific Railroad") adopted on December 6, 2001, authorized Metro to purchase the Trolley Trail Corridor with funding from NCPRD's Open Space Bond Measure Local Share allocation.

In September of 2002, Metro and NCPRD entered into an Intergovernmental Agreement "Regarding Land Acquisition, Planning and Management Services for the Trolley Trail," Metro Contract No. 923742, for the purpose of authorizing Metro to carry out the Trolley Trail Project as described in the Local Share IGA. This term of this IGA expired December 31, 2004.

Metro Council Resolution 04-3435 ("For The Purpose of Council Approval of the Trolley Trail Master Plan") adopted on March 18, 2004, provided Metro Council approval of the Trolley Trail Master Plan.

Metro Code 2.04.026 (a)(3) requires that the Chief Operating Officer obtain the authorization of the Metro Council prior to executing any contract for sale or other transfer of Metro real property.

3. **Anticipated Effects:** Metro will transfer title to the Trolley Trail Property to NCPRD (without compensation) and NCPRD will resume responsibility for the design, engineering and construction of the Trolley Trail in accord with the approved Trolley Trail Master Plan, including any additional land acquisition and title resolution that may be required. Metro will continue to support the project and make its staff available to consult with NCPRD if desired.
4. **Budget Impacts:** Prepaid rents and future lease revenues from existing commercial leases of the Trolley Trail Corridor Property will be assigned to NCPRD. Metro will be relieved of management, maintenance and security responsibility for the Trolley Trail Corridor Property. NCPRD will resume responsibility for the future design, engineering and construction of the Trolley Trail, including any additional land acquisition and title resolution.

#### **RECOMMENDED ACTION**

Chief Operating Officer Michael J. Jordan recommends approval of Resolution No. 05-3532.

**MINUTES OF THE METRO COUNCIL MEETING**

Thursday, January 27, 2005  
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Susan McLain, Robert Liberty, Rex Burkholder, Carl Hosticka, Brian Newman

Councilors Absent: Rod Park (excused)

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. TRANSPORTATION AND GROWTH MANAGEMENT GRANT,  
CORRIDOR/CENTER RESEARCH BRIEFING**

Tim O'Brien, Planning Department, said he was providing an update, explaining where they were heading with the grant program and what the next steps would be. He spoke to the goals of the grant. The consultant team included EcoNorthwest and was for \$261,000. He highlighted the importance of the grant. He provided a power point presentation of the project (a copy of which is included in the meeting record). He reviewed each of the project phases. He acknowledged lessons learned in Phase 1 of the grant. The narrative in the meeting packet covered the lessons learned. He then talked about Phase 2. He noted what the consultant team was currently working on in Phase 2. He shared opportunities in the corridors that included successful businesses. He talked about the development of mixed uses in the Beaverton Hillsdale/Canyon Road corridor. The consultant had indicated the kind of mixed uses that was and would occur in the corridor in nodal areas. He talked about areas of disinvestment in the corridor. The corridor was only two miles long so there wasn't enough space to have much more development occur beyond retail uses. He spoke to the options that had been proposed, such as, remove the retail entitlements to support the nodal areas. The economic partners in the consultant team recommended business development. The consultant had recommended additional traffic pattern changes. Councilor McLain asked if this information had been shared with our Transit Oriented Development (TOD) staff. She thought they might have suggestions. Mr. O'Brien said they had been coordinating with the TOD staff. The options had yet to be addressed by the TOD staff. He spoke to future phases, which included taking these options to the advisory committee as well as seeking citizen input.

Councilor Newman clarified the conclusion. The corridor was over retail. This was keeping the centers from flourishing. The corridor was creating disinvestment areas. Mr. O'Brien said part of the study looked at increasing residential. The two centers were continuing to develop. There had been recommendations such as senior housing. Councilor Liberty asked about retail and its connection to the residential area. Mr. O'Brien said a lot of the retail was available for street use but not so much neighborhood use. He talked about the difficulty with getting the citizens engaged. Councilor Liberty asked if the neighborhoods were looking forward to change? Mr. O'Brien said their biggest concern was traffic. They looked forward to beautification of the area.

Councilor Burkholder asked, were both of these corridors state highways? Mr. O'Brien said yes. Councilor Burkholder asked if they had had a discussion with the consultants about the highway designation. Mr. O'Brien said there was member of Oregon Department of Transportation ((ODOT) on the advisory group. The project looked at where urban business designation could be applied. There had been discussion with ODOT. They had been open to looking at a number of options.

Council President Bragdon observed that the Hillsdale Center had changed their streetscape over the past five years. He noted that the Hillsdale Business Association had helped develop the Hillsdale vision. Was there any business association in Beaverton-Hillsdale area? Mr. O'Brien said there was no business association along the corridor.

#### 4. CONSENT AGENDA

##### 4.1 Consideration of minutes of the January 20, 2005 Regular Council Meetings.

Motion:

Councilor Liberty moved to adopt the meeting minutes of the January 20, 2005 Regular Metro Council.
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Vote:

Councilors Burkholder, McLain, Liberty, Newman, and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed with Councilor Hosticka abstaining from the vote.
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#### 5. RESOLUTIONS

##### 5.1 Resolution No. 05-3533, For the Purpose of Authorizing the Chief Operating Officer to Contribute Towards the Purchase of the Inkster Property in the Tryon Creek Linkages Target Area.

Motion:	Councilor Newman moved to adopt Resolution No. 05-3533.
Seconded:	Councilor Liberty seconded the motion

Councilor Newman introduced the resolution. It was 8.33 acres in the Tryon Creek Linkages Target area. The Inkster family had been wonderful partners in this purchase. The Friends of Tryon Creek had been one of the active partners in the purchase process as well. Other partners included City of Lake Oswego. He acknowledged Stephanie Wagner's efforts. Councilor McLain asked about parcel ownership?

Nancy Chase, Regional Parks and Greenspaces Department, said they were tenants in common and would require deed restrictions on the property. The State would handle the operation and the restoration. Councilor McLain asked if Metro owned a particular piece. Ms. Chase Metro had a percentage of all of the parcels.

Council President Bragdon opened a public hearing.

Stephanie Wagner, Friends of Tryon Creek State Park, 11321 SW Terwilliger, Portland OR 97034 thanked the Council for their participation and encouraged them to pass the resolution. She talked about the history of the purchase. Putting the financing together had been a struggle. Metro had been key in the process. The Friends raised \$250,000, \$100,000 was donated by the neighborhood right next to the property. They all benefited by not having this property developed.

They had over 400 individual contributors. It was a wonderful piece of property. She addressed potential development. She talked about the stream corridor, which lent itself to restoration. They would be working on the restoration and developing a trail as well providing additional access to the Park. She thanked the Council once again. Councilor Burkholder talked about the Tryon Creek Trillium Festival. Ms. Wagner said it was the first week in April. Councilor McLain said she was hopeful that Metro volunteers would help with the restoration. Ms. Wagner said that would be great, they had about 800 volunteers working in the area. She said it was rewarding to see the private-public partnership

Council President Bragdon closed the public hearing.

Council President Bragdon said they had stringent procedures for purchase of open spaces. They had adopted a priority list. This was an area that had to come to Council for approval because we were over the target in this area. He spoke to community and local government participation.

Vote:

Councilors Park, Hosticka, Burkholder, Newman, McLain, Liberty, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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## 6. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordon, COO, had nothing to say.

## 7. COUNCILOR COMMUNICATION

Council President Bragdon said they would be discussing staffing at next week's work session. Councilor McLain wondered about the reorganization and how we did training. She asked about cost savings. If we were buying in to a concept of staff helping in a different way, she wanted to know what that meant. She also felt they needed further discussion about the Big Look. Council President Bragdon said they would be discussing staffing support at next week's work session.

Councilor Burkholder, Joint Policy Advisory Committee on Transportation (JPACT) chair, talked about the Transportation Priorities Act. He talked about the calendar to consider legislation on Metropolitan Transportation Improvement Program (MTIP). There would be a joint JPACT/Council public hearing on February 17<sup>th</sup>, March 15<sup>th</sup> Council would discuss the list and JPACT would also look at the list that week. They had just found out that ODOT and Washington Department of Transportation (WASDOT) had scheduled a Columbia Crossing Task Force meeting next Thursday at 4:00 p.m., which would conflict with our own council meeting. He would also be going down to the legislature to talk about Metro's role in transportation.

Councilor Hosticka reported on the Metro Policy Advisory Committee (MPAC) meeting last night. They raised questions about the State land use planning Goal 9 discussion. They also discussed the compliance report. They had talked about affordable housing and the budgetary difficulties with this issue. They had urged a simpler process for reporting to Metro. They had suggested staff come up with a simpler way to report. They also talked about MTIP allocations and that they felt Title 7 should not impact that allocation. They touched on Title 11. They would be talking more about this at a future meeting. Council President Bragdon talked about the Goal 9 discussion. Councilor Liberty said there was also a request to have some presentations on economics. He urged talking about a regional economy. Council President Bragdon concurred with Councilor Liberty's comments. He suggested clarifying the nature of our involvement.



Councilor Hosticka talked about the State Economic Development Policy Advisory Committee. It recognized that there were regional economies around the state such as Keizer/Salem, Eugene/Springfield as well as our region. They also acknowledged Clark County needed to be looked at in our regional economy. He talked about the City of Portland and its industrial lands. He said at least from the state level there was interest in regional economy. Council President Bragdon suggested a presentation from Joe Cortright and the need for regional action.

Councilor Newman announced that this Sunday we would have our volunteer appreciation dinner, which was to honor our volunteers. It would be at 5:00 p.m. at the Oregon Zoo. He encouraged participation. He also announced that Judie Hammerstad, Lake Oswego Mayor, had given her state of the city speech this week. Alice Norris would be giving her state of the city speech this coming Thursday.

Councilor McLain talked about the regional water supply plan update. It was time to update our relationship with them. They would be bringing a resolution to Council. This group had worked hard on keeping water providers involved. They had come to Metro to seek technical support and be a partner. She would be happy to brief Council on those issues. They would be meeting at Portland Community College (PCC) Rock Creek on Feb 10<sup>th</sup> at 5:30pm. The president of PCC had been invited as well as Community Planning Organization's and neighborhood associations.

Councilor Liberty mentioned that he and Councilor Burkholder had attended the Affordable Housing Task Force in Lake Oswego. He saw interest on the part of Lake Oswego to move forward with getting something built. He spoke about the need for clarity and emphasis for the Planning Department on centers and corridors.

He spoke to Measure 37 and the resolution that had been adopted last year (a copy of which included in the meeting record). He felt the public was still learning about the implications of the measure. He thought Metro could be providing information to the citizenry about the standards. He noted that the resolution didn't mention state agencies. He needed to know what those agencies were doing because there were exemptions. There had been some discussion at MPAC about potential funding mechanisms. There was a document prepared by one of the participants. He suggested that legal staff monitor claims. He wondered what Council thought about the treatment of claims if they disagreed with the treatment. He wondered if these topics were acceptable to Council. He thought that the concern was rising. There were about 500 claims within this region. He had discussed this with Lydia Neill, Planning Department, how to display this information. He asked for clarification about what claims had been received. Mr. Dan Cooper, Metro Attorney, said they had received two claims concerning property outside the Urban Growth Boundary (UGB). They had just received one within the UGB. Council President Bragdon talked about our legal exposure. We had a major stake in the decisions of the claims. Although the claim may not come to Metro we had a stake in the outcome. If the claim eroded what we were trying to do, Metro would want to engage in having some kind of notification process in place.

Councilor Newman asked Mr. Cooper how difficult it was for him to get information about the claims in the tri-county area? Mr. Cooper said he had been meeting with a group of attorneys about these claims so he had a filter. He said getting the actual documents would require talking with planning directors around the region. He didn't think there was reluctance in sharing the information. He didn't think it would be hard to set up a process to obtain that information. Councilor Newman asked if it was justified to ask if local jurisdiction could be required to notify Metro. Mr. Cooper said part of his work program was to prepare an ordinance to ask local jurisdictions to provide this information.

Council President Bragdon agreed with the ordinance. He wanted some way to assess our involvement and think about how we participated in the process. They were not required to have public participation. He felt we needed a mechanism at Metro to inform the public and have an opportunity to express our opinion. Mr. Cooper said he thought there was a good reason why we should collect as much information as we could about the nature of the claims and bring it to Council so they had the opportunity to assess and see what the potential consequences on 2040 may be and then determine what course of action we should take concerning commenting to those counties. Council President Bragdon asked about neighboring jurisdiction as well? Mr. Cooper said the cities were eager to hear what the process would be for claims. Councilor Liberty said they needed to see what the claims were, a raw summary as well as the claim itself as well as the asserted dollar amounts of the claim. He talked about potential liability. He wanted to see both the rural and urban claims. Lydia Neill, Planning Department, said they needed to do more investigation. Her impression was that the claims were not standardized. Some counties had imposed more stringent requirements on what it took to file a claim. She talked about development applications and the amount of process time. There were a lot of unknowns and it would take time to collect the information. Councilor Liberty said Ms. Neill and he had discussed issues such as zoning.

Councilor Burkholder said they needed to have more of a discussion about Metro's proper role in terms of addressing these issues. He spoke to looking at our budget and responding to changing conditions but that we also had limitations. Some of the proposals were expensive and he wasn't sure that we could afford to take on all of these proposals. He thought a lot of what was proposed was important but there was a budget impact and they had to take away funding for one project to fund another. Council needed to give guidance to Metro's lobbyist as well. Councilor Hosticka commented on the proposed state legislation. We needed to be clear on what the strategies were before we supported or opposed the state legislation. Council President Bragdon said for tactical reasons, Mr. Tucker needed to be informing the Council. He summarized that there was a need for that intergovernmental cooperation. There may be a future need to systematize the information. He agreed with Councilor Burkholder about the budget issues and the public involvement piece would take some strategic thinking. Councilor Newman appreciated the work that had been done. He wanted to know what Council's priorities were and what the budget implications would be.

Councilor McLain believed that the summary of next steps was correct. They needed to figure out Metro's role. She acknowledged Councilor Liberty's comments about having a strategy for what they believed in. They needed to have a Measure 37 claims filter in looking at their own plans and strategies. Council President Bragdon said the atmosphere that Mr. Cooper had developed in working collaboratively with the other attorneys was a benefit to us. Mr. Cooper said there was discussion that smaller claims might go without much notice. Council President Bragdon said he was trying to guard against being blindsided with a claim. Mr. Cooper said Multnomah County had a claims procedure, which included a public hearing. He said at this point because of the way the measure was written the whole requirement of notice was questionable. We may need to go out and be proactive.

Mr. Jordan said they might need to keep apprised of the claims and the different processes that each jurisdiction had. He spoke to a uniform analysis that staff could do. Ms. Neill was already working with Data Resource Center (DRC). Mr. Cooper was working on the legislative side. He would like to convene the appropriate staff and Councilors to coordinate our efforts.

Councilor Liberty said he felt we owed the public a certain amount of leadership on this issue but he understood limited resources. He wanted to hear from Mr. Cooper and Mr. Tucker about what was happening at the regional and state level. He talked about the need for fairness and openness to convince the public that we were sensitive to their requests. Councilor Burkholder talked about the lead councilor role on this issue. It was important issue but it was necessary to recognize all of what was being done. Council President Bragdon thought this was a good model. Ms. Neill said Portland State University (PSU) was partnering with 1000 Friends to create a database of claims. Metro could partner with them to get this information. She suggested a protocol for providing that information to the Council. There may be ways to cut down on the amount of staff time. Council President Bragdon summarized the future process.

Councilor McLain said she heard a good idea from a student, a citizen. Their idea was to provide information about a variety of Metro's roles instead of repeating Metro 101 on cable after the meeting was over. Second, they also suggested a presentation on reduction and recycling.

**8. ADJOURN**

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 3:40 p.m.

Prepared by

Chris Billington  
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JANUARY 27,  
2005**

Item	Topic	Doc Date	Document Description	Doc. Number
4.1	Minutes	1/20/05	Metro Council Minutes of January 20, 2005	012705c-01
6	Measure 37 Work Group	1/27/05	To: Metro Council From: Councilor Liberty Re: Measure 37 Work Group and other activities	012705c-02
6	Resolution No. 04-3520	12/16/04	To: Metro Council From: Councilor Liberty Re: Resolution No. 05-3520, For the Purpose of Directing the Chief Operating Officer to Formulate Regional Policy Options Relating to Ballot Measure 37	012705c-03
3	Power Point Presentation	1/27/05	To: Metro Council From: Tim O'Brien, Metro Planning Department Re: Transportation and Growth Management Grant, Corridor/Center Research Briefing	012705c-04

M E M O R A N D U M

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
 TEL 503 797 1700 | FAX 503 797 1797



**METRO**

**DATE:** February 3, 2005  
**TO:** Metro Council  
 Agency Staff  
**FROM:** Becky Shoemaker, Records and Information Analyst/Archivist  
**RE:** METRO COUNCIL ACTION UPDATE FOR THURSDAY, February 3, 2005

**COUNCILORS PRESENT:** David Bragdon (Council President), Brian Newman, Robert Liberty, Susan McLain, Carl Hosticka, Rod Park

**COUNCILORS ABSENT:** Rex Burkholder (excused)

AGENDA ITEM	ACTION TAKEN
<p><b>CONSENT AGENDA</b>                      Consideration of minutes of the January 27, 2005 Regular Council Meeting.</p>	<p>Minutes of the January 27, 2005 Regular Council meeting were adopted without revision.                      5 Yes/0 No/0 Abstain                      [Park absent from vote]                      [Burkholder excused]</p>
<p><b>ORDINANCES – FIRST READING</b>  <b>Ordinance No. 05-1071:</b> For the Purpose of Amending the FY 2004-05 Budget and Appropriations Schedule Recognizing \$10,000 in Grant Funds; Transferring \$79,640 From the Regional Parks Operating Fund Contingency; Increasing Operating Expenditures in the Regional Parks Operating Fund By \$89,640; Authorizing 1.0 FTE Receptionist Position; and Declaring an Emergency</p>	<p>Assigned to Council.</p>
<p><b>RESOLUTIONS</b>  <b>Resolution No. 05-3531:</b> For the Purpose of Authorizing the Chief Operating Officer to Donate Two Parcels of Land to the Oregon Department of Transportation (ODOT) to Complete the McLoughlin Boulevard Improvement Project</p>	<p>Adopted [Newman/Hosticka]                      5 Yes/0 No/0 Abstain                      [Park absent from vote]                      [Burkholder excused]</p>
<p><b>Resolution No. 05-3532:</b> For the Purpose of Authorizing the Chief Operating Officer to Convey Real Property to the North Clackamas Parks and Recreation District</p>	<p>Adopted [Newman/McLain]                      5 Yes/0 No/0 Abstain                      [Park absent from vote]                      [Burkholder excused]</p>

Metro Council Action Update  
Thursday, February 3, 2005

PLEASE NOTE: Official copies of these resolutions will be available next week in electronic format via **TRIM WebDrawer**. Please contact me at ext. 1740 if you need assistance using TRIM WebDrawer.



Next Metro Council Action Update: February 10, 2005

**Willamette Basin TMDLs**

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**Presentation to METRO Council  
February 3, 2004**

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Dick Pedersen  
Department of Environmental Quality  
<http://www.deq.state.or.us/wq/willamette/WRBHome.htm>

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Willamette Basin TMDLs

**Overview of Talk**

- Clean Water Act Requirements
- TMDL Process - General
- Willamette TMDLs
- TMDL Implementation
- Questions

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Willamette Basin TMDLs

**Clean Water Act obligates DEQ to:**

1. Protect sensitive **Beneficial Uses** (recreation, fish rearing/spawning, water supply, wildlife) by developing **Water Quality Standards**.
2. Classify water bodies that do not meet **Water Quality Standards** as **303(d) Listed Water Bodies** (i.e. **Water Quality Limited** or 'impaired').
3. Develop Total Maximum Daily Loads (**TMDLs**) for **303(d) Water Quality Limited** water bodies.
4. TMDL Implementation via Permits, **Implementation Plans** & other state and local mechanisms

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## Total Maximum Daily Load

A **TMDL** ...

- is for a particular pollutant (e.g. heat, suspended solids, bacteria, nutrients...).
- is the **amount** of a pollutant a water body can assimilate--the amount beyond which a beneficial use is impaired.
- is calculated to protect the beneficial use that is most sensitive to that pollutant.

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Willamette Basin TMDLs

## Total Maximum Daily Loads

$$\text{TMDL} = \text{Point Sources} + \text{Nonpoint Sources} + \text{Margin of Safety} + \text{Future Growth}$$

### Point Sources

- Sewage Treatment Plants
- Industries
- Storm Water addressed under permit

### Nonpoint Sources

- Other Urban runoff
- Agricultural runoff
- Forestry
- Highways
- Natural processes

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Willamette Basin TMDLs

## Designated Management Agencies

- Designated Management Agency (DMA) means a federal, state or local governmental agency that has legal authority over a sector or source contributing pollutants, and is identified as such by DEQ in the TMDL.
- DMA's are responsible for implementing the management strategies and developing and revising sector-specific or source-specific implementation plans.

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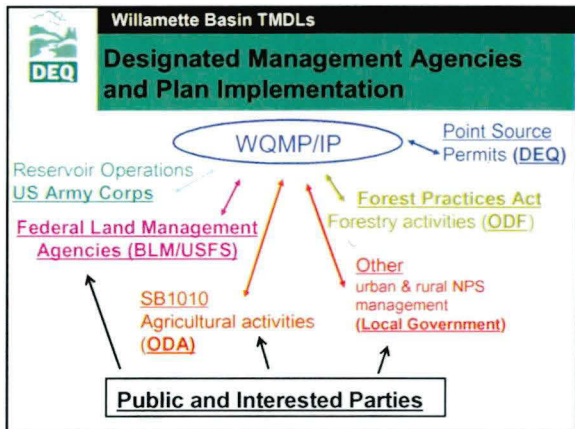
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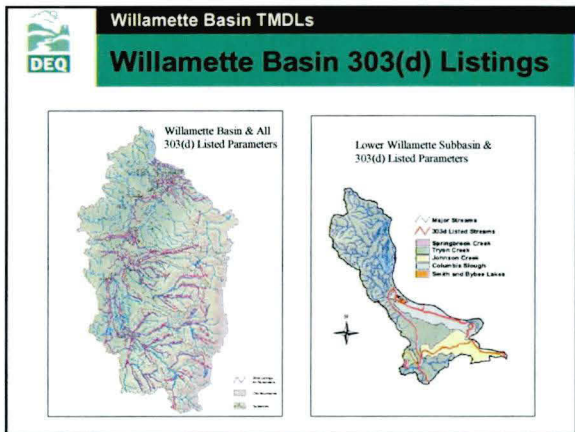
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**Most Sensitive Beneficial Use**

- Temperature - Salmonids
- Bacteria - Contact recreation
- Toxics - Mercury [DDT and Dieldrin – Johnson Ck] - Resident Fish and Aquatic Life
- Also potential human health risks through fish consumption

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**Willamette Basin TMDLs**  
**DEQ NPS Temperature TMDLs**

Effective shade has been applied as a surrogate measure for nonpoint sources in temperature TMDLs.

- % Effective shade can be translated into quantifiable water quality management and recovery objectives.
- Shade curves have been developed & apply to each geomorphic unit found in the Willamette Basin.
- Shade curves determine the nonpoint source effective shade allocation.

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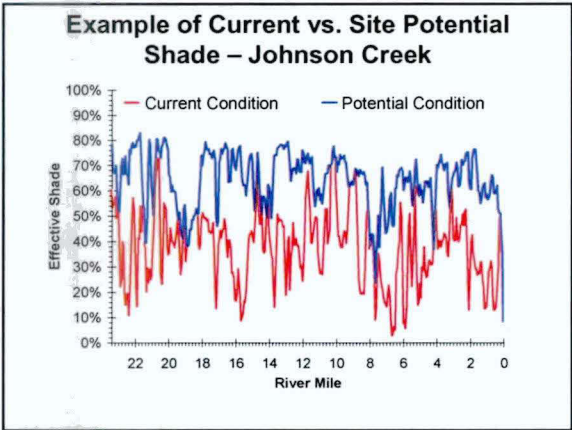
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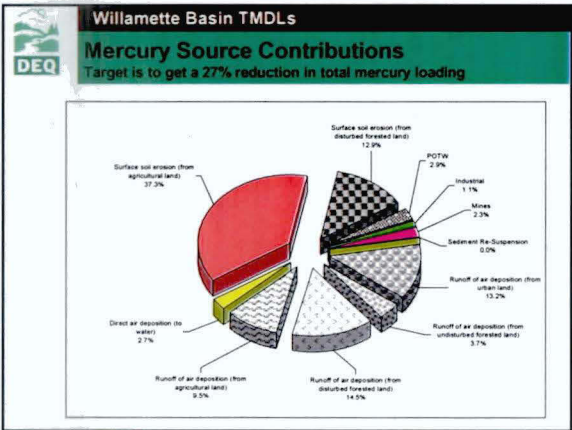
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### Bacteria Summary



- 74 - 82% reduction needed in the Lower Willamette Subbasin
- Urban and Rural loading appears similar
- Sources:
  - Storm water - urban and rural
  - Sanitary Sewer Overflows
  - Combined Sewer Overflows
  - Failing Septic Tanks
  - Instream Farms - waterfowl

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### Willamette Basin TMDLs

#### TMDL Implementation Plan Elements

- Identify management strategies to meet Allocations & reduce pollutant loading.
- Provide a timeline for implementing strategies & a schedule for measurable milestones.
- Performance monitoring w/ plan for review & revision of TMDL Implementation Plan.

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### Willamette Basin TMDLs

#### Anticipated Timelines

- Close of Public Comment – January 31, 2005
- Review comment, modify TMDL, submit to EPA
- DMAs submit Implementation Plans within 18 months of the submittal to EPA (DEQ is working on guidance)

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### Metro's Programs & TMDLs

Comprehensive plans to address the temperature TMDL should include both riparian vegetation protection and restoration elements.

Metro Title 3 provides:

- A minimum level of water quality protection
- Helps protect areas for future stream shading

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### Metro's Programs & TMDLs

Metro's Fish and Wildlife Habitat Program, as currently envisioned, would be an excellent addition to Title 3:

- Includes a critical restoration component;
- Expands protection of existing streamside vegetation;
- Addresses shading potential from a system-wide and functional perspective; and
- Uses a variety of tools and methods to achieve objectives

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### Progress by 2010

- Mercury Phase 2 TMDL
- Yamhill & Molalla/Pudding TMDLs
  - Temperature, Bacteria, toxics
- Temperature Limits for Permits
- TMDL Implementation Plans
  - Development & Submittal of Plans w/in 18 months
  - DEQ/DLCD Assistance
  - DEQ Review/Approval of Plans
  - Commencement of Implementation
- TMDL Check-in/New TMDLs
  - Likely to Occur in 2012

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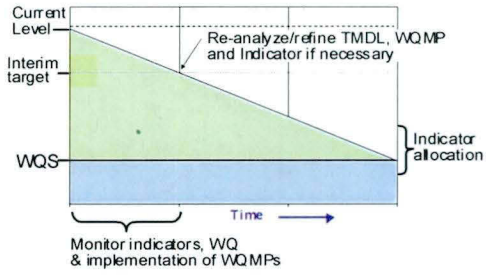
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## Adaptive Management



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REGIONAL SERVICE



**METRO**

January 31, 2005

Manette Simpson  
Oregon Department of Environmental Quality  
811 SW 6th Ave.  
Portland, OR 97204

Email: [WillamettComments@deq.state.or.us](mailto:WillamettComments@deq.state.or.us)  
Fax: 503-229-6037

**RE: COMMENTS ON DRAFT WILLAMETTE BASIN TMDL**

Dear Ms. Simpson:

This letter is to provide comments regarding the Draft Willamette Basin TMDL, and the identification of Metro, the metropolitan service district for the urban area covering portions of Clackamas, Multnomah, and Washington Counties, as a designated management agency (DMA).

Metro is identified as a DMA on page 14-8, as part of a list of DMAs in the TMDL chapter describing Water Quality Management Plans. Metro was not identified as a DMA, however, in other sections of the Draft TMDL that identify and refer to DMAs. Metro's jurisdiction includes portions of four of the Willamette River subbasins covered by the draft TMDL (Lower Willamette, Tualatin, Clackamas, and Middle Willamette), and Metro owns property in all four subbasins, yet Metro is identified as a DMA only for the Lower Willamette Subbasin (Table 14.1 on page 14-9). Moreover, although Metro is identified as a DMA for the Lower Willamette Subbasin in Chapter 14, Metro was not listed as a DMA in Chapter 5, the chapter that describes TMDL specifics for the Lower Willamette Subbasin (see Table 1.1 on page 5-8, "Designated Management Agencies in the Lower Willamette Subbasin"). To the extent that Metro is named as a DMA, I recommend that the TMDL be edited to be more consistent and clear regarding the designation.

In addition, I note that Metro has regional land use planning authority and, although not required to, has exercised its discretion to enact regional requirements regarding future development to address some regional water quality issues consistent with Statewide Planning Goal 6. Metro notes that it may, or may not, be appropriate for the DEQ to acknowledge and incorporate such requirements in the designation of Metro as a water quality management agency. I therefore ask that DEQ engage in discussions with Metro before finalization of the Willamette Basin TMDL to determine the extent of Metro's DMA responsibilities that will best serve the interests of complying with the Clean Water Act by achieving the water quality goals established in the TMDL for the areas within the Metro region.

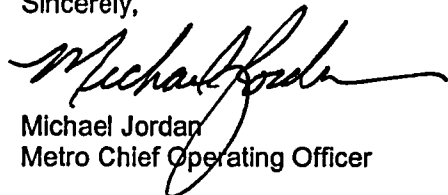
Finally, Metro has some specific comments regarding the Smith and Bybee Lakes Discussion Paper (pages 5-205 through 5-215). As you are aware, Metro's Parks and Greenspaces Department manages the lakes, which include several properties owned by Metro, including the closed St. Johns Landfill. First, regarding Table 2 on page 5-208, I note that juvenile Coho and Chinook salmon now use the lakes for rearing and as refuge from high flows, but that adult fish have not used the lakes. Second, the discussion paper includes some factual statements that could be clarified, as noted on the page attached to this letter. If you have any questions regarding these comments, Metro staff would be pleased to discuss them further with you.



Manette Simpson, DEQ  
January 31, 2005  
Page 2

Thank you for considering these comments on the Draft TMDL. I look forward to continuing discussions with the DEQ regarding the issues raised in this letter prior to approval of the final TMDL.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Jordan", written in a cursive style.

Michael Jordan  
Metro Chief Operating Officer

Enclosure

I:\gm\gmadm\share\012805 WillametteTMDL comments draft.doc

DRAFT

**Metro's Suggested Edits to the  
Smith and Bybee Lakes Discussion Paper  
(Draft Willamette Basin TMDL, Pages 5-205 through 5-215)**

**From page 5-207, 2 paragraphs at top of page:**

Low permeability overbank flood deposits underlie the wetlands, though they are only a few feet thick under one area of [Note regarding suggested edit: at other places under the lakes the deposits are much thicker] Bybee Lake (Fishman, 1987). These silts contact either Pleistocene sands (under Smith Lake) or gravels (under Bybee Lake). In general, groundwater discharges at the Columbia River, though groundwater mounding creates smaller scale and complex gradients under the St. John's Landfill and Rivergate industrial area (Fishman, 1987; DEQ Consent Order to Metro, 2003).

The St. John's Landfill, located southwest of Bybee Lake in a former wetland, operated between the mid-1930s and 1991. Metro currently manages the landfill and oversees the post-closure operations. Landfill closure included installation of an engineered cap, gas extraction network, and storm water control features. Landfill discharges to surface water comply with the 1200 COLS permit, specific to the Columbia Slough and meeting load allocations in the Columbia Slough 1998 TMDL. Metro conducts semiannual monitoring of groundwater, and also monitors surface water, and sediment, the latter two generally [Note regarding suggested edit: the semiannual monitoring is only of groundwater, the other monitoring is less frequent] to satisfy requirements in the Smith and Bybee Lakes Natural Resources Management Plan (Metro, 1990). DEQ's renewal of the landfill closure permit includes a cleanup consent order that requires a Remedial Investigation/Feasibility Study (RI/FS). The RI/FS will assess the movement of contamination from the landfill to groundwater and surface water including Smith and Bybee Lakes, and evaluate ecological and human health risk (DEQ Order On Consent No. LQSW-NWR-02-14, October 31, 2003).

**From page 5-214, first full paragraph on page:**

~~Metro completed a Surface Water Quality Monitoring Plan for Smith and Bybee Lakes as part of a Draft Environmental Quality Monitoring Plan (Metro, 1997). Sampling and analysis described in the monitoring plan will allow comparison of conditions before and after installation of the new water control structure.~~ [Note regarding suggested edit: The 1997 plan was never approved by DEQ and is no longer applicable or relevant.] Metro intends to document water quality in Smith and Bybee Lakes and surrounding surface water with four techniques: high frequency trending at three sites, low frequency trending at six sites, short-term investigations, and tracking effects of hydrologic management. Continuously collected year-round data will record daily and seasonal trends in basic water quality parameters—pH, dissolved oxygen, temperature, specific conductance, and oxidation-reduction potential. Metro will collect grab samples from six sites, six times per year to document long-term changes in basic water quality parameters as well as dissolved metals (a concern because of contaminated St. Johns landfill groundwater). Metro will analyze conventional parameters as well as nutrients, chlorophyll, and biological parameters from water they collected on either side of the old dam and in the same locations post dam replacement.

**From page 5-215, the second paragraph of the "Summary" section:**

First, several studies have recommended the replacement of the old water control structure to improve water quality as well as habitat in Smith and Bybee Lakes. Fishman (1987), Eilers et al. (1995), and Lev et al. (1994) document worsening water quality and habitat conditions after dam installation in 1982. Water quality problems in the current lakes have probably been exacerbated because the dam prevented nutrient flushing. Invasive aquatic weeds can survive and thrive in year-round inundated conditions, but native vegetation relies on a dry period in the summer. The Smith and Bybee Lakes Natural Resources Management Plan (Metro, 1990) calls for controlling water levels and reestablishing more natural water level fluctuations in the wetlands. Metro ~~will follow the 1997 Surface Water Quality Monitoring Plan to track and document~~ intends to evaluate [Note regarding suggested edit: as stated above, the 1997 plan



was never approved and is no longer applicable or relevant] water quality changes now that ~~they have it~~  
has removed and replaced the old water control structure.