 **Metro** | *Agenda*

**Meeting:** Metro Council Work Session  
**Date:** Tuesday, February 24, 2015  
**Time:** 2:00 p.m.  
**Place:** Metro Regional Center, Council Chamber

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**CALL TO ORDER AND ROLL CALL**

- 2:00 PM**    1.    **CHIEF OPERATING OFFICER COMMUNICATION**
- 2:10 PM**    2.    **INFORMATIONAL BRIEFING ON RESOLUTION NO. 15-4606, FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO EXECUTE A DECLARATION OF COOPERATION IN SUPPORT OF THE COLUMBIA RIVER LEVEE REPAIR AND ACCREDITATION OREGON SOLUTIONS PROCESS**      **Andy Cotugno, Metro  
Steve Greenwood, Oregon Solutions  
Reed Wagner, Multnomah County Drainage District**
- 2:45 PM**    3.    **FEDERAL TRANSPORTATION POLICY OPTIONS DISCUSSION**      **Andy Cotugno, Metro**
- 3:15 PM**    4.    **COUNCIL LIAISON UPDATES AND COUNCIL COMMUNICATION**

**ADJOURN**

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## សេចក្តីជូនដំណឹងអំពីការមិនរើសអើងរបស់ Metro

ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានក្បួនលក្ខណ៍រើសអើងសូមចូលទស្សនាការប្រកាស [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights)។  
បើលោកអ្នកត្រូវការការបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1890 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ ថ្ងៃធ្វើការ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក ។

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Agenda Item No. 2.0

**INFORMATIONAL BRIEFING ON RESOLUTION NO. 15-4606:  
COLUMBIA RIVER LEVEE REPAIR AND OREGON SOLUTIONS  
PROCESS ACCREDITATION**

Metro Council Work Session  
Tuesday, February 24, 2015  
Metro Regional Center, Council Chamber





# METRO COUNCIL

## Work Session Worksheet

**PRESENTATION DATE:** February 24, 2015

**LENGTH: 30 MINUTES**

**PRESENTATION TITLE:** Informational briefing on Resolution No. 15-4606 FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO EXECUTE A DECLARATION OF COOPERATION IN SUPPORT OF THE COLUMBIA RIVER LEVEE REPAIR AND ACCREDITATION OREGON SOLUTIONS PROCESS

**DEPARTMENT:** Office of the COO

**PRESENTER(S):** Andy Cotugno ([andy.cotugno@oregonmetro.gov](mailto:andy.cotugno@oregonmetro.gov)); Steve Greenwood ([sgreenw@pdx.edu](mailto:sgreenw@pdx.edu)); Reed Wagner ([RWagner@mcdd.org](mailto:RWagner@mcdd.org))

### WORK SESSION PURPOSE & DESIRED OUTCOMES

- Purpose: To provide the Council with a status report and describe the effort underway to address certification and accreditation of the Columbia River levees from Rivergate to Troutdale.
- Outcome: Council understanding of the proposed levee certification and accreditation process and the rationale and scope of Metro's involvement. This is in preparation of Council consideration of Resolution No. 15-4606 on February 26.

### TOPIC BACKGROUND & FRAMING THE WORK SESSION DISCUSSION

In 2013, Governor Kitzhaber asked the Mayor of Portland and the Chair of Multnomah County to co-convene an Oregon Solution project to address the impending issue of decertification and deaccreditation of the levee system along the Columbia Corridor from Rivergate to Troutdale. The accreditation status for Peninsula Drainage Districts 1 & 2 expired in 2013 and is scheduled to expire for the Multnomah County Drainage District and Sandy Drainage Improvement Company in 2017.

In 2014, a scope of work and budget to address Peninsula Drainage Districts 1 & 2 was developed and the Metro Council authorized execution of an Intergovernmental Agreement to contribute up to \$385,000 toward that work program. Since then, there has been a considerable amount of community engagement with the focus on a very large Oregon Solutions stakeholder advisory committee. In addition, the content of their community engagement has been focused on an engineering assessment of the adequacy of the levee system to withstand a significant flood event.

This Metro Council worksession is in preparation for consideration of a Resolution authorizing execution of a Declaration of Cooperation and to provide the Council with a status report of the work. The Declaration of Cooperation deals with an agreed upon governance structure in support of the Peninsula 1 & 2 work program with a recognition of the need to coordinate with the Multnomah County Drainage District and the Sandy River Drainage Improvement Company. Executing the Declaration of Cooperation constitutes agreement to participate in good faith and does not commit Metro to a particular outcome. However, as a property owner, Metro would be impacted based upon the obligation of those facilities.

Metro has a direct interest as a property owner of the Expo Center (in Peninsula District 1) and Blue Lake Park (in the Multnomah County Drainage District). In addition, Metro has an indirect interest associated with its growth management responsibilities dealing with an adequate supply of industrial lands and with responsibilities for natural habitat restoration.

The Oregon Solutions process is underway:

- to ensure a broad set of stakeholders agree with the level of protection and the scope of improvement required in the levee system,
- to broaden public awareness and support for the levee system and the consequence of failure, and
- to develop an agreed upon funding strategy.

#### **QUESTIONS FOR COUNCIL CONSIDERATION**

*List questions for Council's consideration that will help/guide the Council in providing policy direction.*

- Does the Metro Council have any questions for the project sponsors (Oregon Solutions and Multnomah County Drainage District)?
- Does the Metro Council have any direction to staff when representing Metro's interest in the process?

#### **PACKET MATERIALS**

- Would legislation be required for Council action X Yes No
- If yes, is draft legislation attached? X Yes No
- What other materials are you presenting today? No

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE	)	RESOLUTION NO. 15-4606
CHIEF OPERATING OFFICER TO EXECUTE A	)	
DECLARATION OF COOPERATION IN	)	Introduced by Chief Operating Officer Martha
SUPPORT OF THE COLUMBIA RIVER LEVEE	)	Bennett in concurrence with Council
REPAIR AND ACCREDITATION OREGON	)	President Tom Hughes
SOLUTIONS PROCESS	)	

WHEREAS, in 2013, Governor Kitzhaber asked Portland Mayor Charlie Hales and Multnomah County Chair Marissa Madrigal to convene an Oregon Solutions team of stakeholders, including representatives of Metro, to address the potential de-certification and de-accreditation of the Columbia River levee system in the Peninsula 1 and Peninsula 2 Drainage Districts in Portland; and

WHEREAS, de-accreditation and de-certification of the levee system would have negative economic consequences in the area protected by the levee, including potential loss of federal flood insurance, loss of access to assistance from the Army Corps of Engineers in the event of a damaging flood and loss of access to commercial financing for development of levee protected properties and projects; and

WHEREAS, the Metro Council adopted Resolution No. 14-4525 authorizing the Chief Operating Officer to execute an intergovernmental to commit up to \$385,000 toward the cost of a levee analysis in the Peninsula 1 and Peninsula 2 Drainage Districts; and

WHEREAS, the Oregon Solutions team with support from the Multnomah County Drainage District and Cornforth Consulting has made significant progress in identifying levee system deficiencies and increasing public awareness and has proposed execution of a Declaration of Cooperation to guide continuation of the process; now therefore,

BE IT RESOLVED that the Metro Council authorizes execution of a Declaration of Cooperation with the intent to continue Metro’s participation in the assessment process.

ADOPTED by the Metro Council this [insert date] day of [insert month] 2015.

\_\_\_\_\_  
Tom Hughes, Council President

Approved as to Form:

\_\_\_\_\_  
Alison R. Kean, Metro Attorney



## STAFF REPORT

### IN CONSIDERATION OF RESOLUTION NO. 15-4606, FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO EXECUTE A DECLARATION OF COOPERATION IN SUPPORT OF THE COLUMBIA RIVER LEVEE REPAIR AND ACCREDITATION OREGON SOLUTIONS PROCESS

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Date: January 27, 2015

Prepared by: Andy Cotugno (xt. 1763)

## BACKGROUND

In 2013, at the request of Governor Kitzhaber, Mayor Charlie Hales and Multnomah County Chair Marissa Madrigal co-convoked the Columbia River Levee Repair and Accreditation Oregon Solutions Project Team with Metro as a stakeholder on the Team. Since then, with the election of Jules Bailey as a Multnomah County Commissioner, the Oregon Solutions Team is co-convoked by Mayor Charlie Hales and Commissioner Jules Bailey. In May 2014, the Metro Council committed up to \$385,000 (across 7 years) as payment toward the cost of an evaluation of the levee system for Peninsula Drainage Districts 1 and 2. See Attachment A for delineation of the four drainage districts with levee system responsibilities.

Metro's involvement with the process is tied to Metro's interest as a property owner for Expo and Blue Lake Park and the broader regional policy interest in industrial lands and the natural habitat characteristics of the Columbia Slough and associated water bodies and wetlands. Metro staff obligations include participation on the Oregon Solutions Project Team, the Steering Committee and the Technical Advisory Committee. In addition there will be a need to coordinate with their public outreach efforts and review and comment on any assessment of natural habitats.

During the past year, there has been substantial progress in evaluating the adequacy of the Peninsula 1 and 2 levee system (see Attachment B for engineering factors to consider in the certification and accreditation process) and public education about the deficiencies and potential solutions. In addition, the Declaration of Cooperation (See Attachment C) spells out agreements on a governance structure for the continuation of the process including the consensus building role of the Oregon Solutions Team, the decision-making responsibilities of individual participating jurisdictions, establishment of a Steering Committee to guide the process, establishment of a Technical Advisory Committee with representation from the participating governments to advise on the technical sufficiency of the assessment and establishment of a Public Outreach Team to guide public involvement.

Key to the stakeholder understanding of the issues has been dissemination of information about the complexities of the following federal laws and regulations:

- Federal Emergency Management Agency (FEMA) Federal Flood Insurance Program: At present, the lands within the levee protected drainage districts are not identified as a Special Flood Hazard Area (SFHA) on the FEMA Flood Hazard Boundary Maps (FHBM). As such, there is no requirement that the property owners purchase flood insurance through the National Flood Insurance Program (NFIP). As long as the levee systems maintain their accreditation, this status remains in effect. However, if the levees become de-accredited and FEMA maps them as a SFHA, provisions of the NFIP become effective. (Note: the accreditation for Peninsula 1 & 2 expired in 2013) Under this change, the local government would need to adopt special restrictions for building in the floodplain and property owners would need to purchase flood insurance. Since the area would be vulnerable to a flood, the cost of this insurance would be very high and

potentially unavailable. Without flood insurance in a designated SFHA, property owners would lose access to commercial credit for development investments. In short, de-accreditation leads to severe economic consequences to existing developed property and severe impact on ability to develop property.

- Army Corps of Engineers criteria for certification and accreditation: The Army Corps of Engineers establishes minimum engineering criteria for a levee system to be certified by a licensed professional engineer on the adequacy of a levee system to meet a 1% annual chance of a flood (also known as a 100-year flood). If the levee system can be documented to meet these criteria, the professional engineer can certify that the levee system meets the standards. Upon inspection by the US Army Corps of Engineers, the levee system can be accredited resulting in the continued designation by FEMA as an area not mapped as a flood hazard zone. The primary beneficiary of this levee accreditation and FEMA flood hazard mapping is the developed and developable properties behind the levees.
- Army Corps of Engineers Rehabilitation and Inspection Program (RIP): In addition to federal flood insurance through FEMA, the adequacy of a levee system is also controlled by the Army Corps of Engineers RIP Program. Under this program, as long as the levee system itself, as well as the operations and maintenance plan for the levee system, are deemed adequate, the Army Corps of Engineers will provide federal assistance in the event of a flood event. This assistance includes flood fighting assistance during the flood event and federal assistance to repair any part of the levee system that fails during an event. However, it is the discretion of the Army Corps of Engineers to determine the level of protection that is adequate based upon the degree of loss in the event of failure and the cost effectiveness of improvement required. In other words, a sufficient level of protection may be for a 200-year or a 500-year flood event (as compared to the FEMA flood insurance program that is tied to a 100-year event. For example (and only as an example) it may be deemed sufficient to protect farmland for a 100-year event but protect an international airport for a 500-year event. Those decisions remain to be made. The primary beneficiary of this levee evaluation system are the owners of the levee system (for federal assistance for repairs in the event of a failure) and for the community protected by the levee system if the process concludes that a higher than 100-year level of protection is warranted.
- Endangered Species Act (ESA): The National Oceanic and Atmospheric Administration Fisheries branch has responsibility for management of the Endangered Species Act as it relates to 11 listed fish species in the Columbia River. Under the ESA, NOAA Fisheries has responsibility for issuing a Biological Opinion for any federal action on whether the proposed action will *jeopardize* the continued existence of a listed species. The Corps levee accreditation process and the FEMA flood plain management program are both considered federal actions requiring a successful biological opinion to be issued by NOAA Fisheries. As such, the flood control plan is not limited to actions required to protect life and property from flood hazard but to do so in a manner that does not also jeopardize the continued existence of listed species. In addition, for lands designated as a floodplain, NOAA Fisheries requirements to preserve and enhance natural floodplain features will apply as well. With the levee system, these lands are not designated as floodplain. However, should the levee accreditation lapse resulting in areas being designated as floodplain, new ESA restrictions will apply.

The process that is underway involves an engineering assessment of the levee system to inform policy choices by the community and the responsible jurisdictions on the level of protection that is needed and considered affordable. Through this evaluation there will also be consideration of funding responsibility and implementation responsibility. At this time there is no preconceived conclusion on the degree to which funding will be sought from federal, state, regional, local government or drainage district sources. In addition, there may be attention to the governance and funding structure of the drainage districts

themselves which could impact Metro as a land owner. The four districts were created under different state enabling legislation at a time when their purpose was related to agricultural lands. In that respect, the governance and financing structures are tied to acreage and may be more appropriately tied to value.

This Declaration of Cooperation is associated with Peninsula 1 and 2 Drainage Districts. However, there is an acknowledgement that engineering studies and policy choices could impact future work associated with the Multnomah County Drainage District and the Sandy Drainage Improvement Company. In particular, if the four drainage districts were re-accredited as a single system, it would alleviate the need and cost to address cross levees separating each district. At this time, the scope of work and budget are limited to Peninsula Drainage Districts 1 and 2.

## **ANALYSIS/INFORMATION**

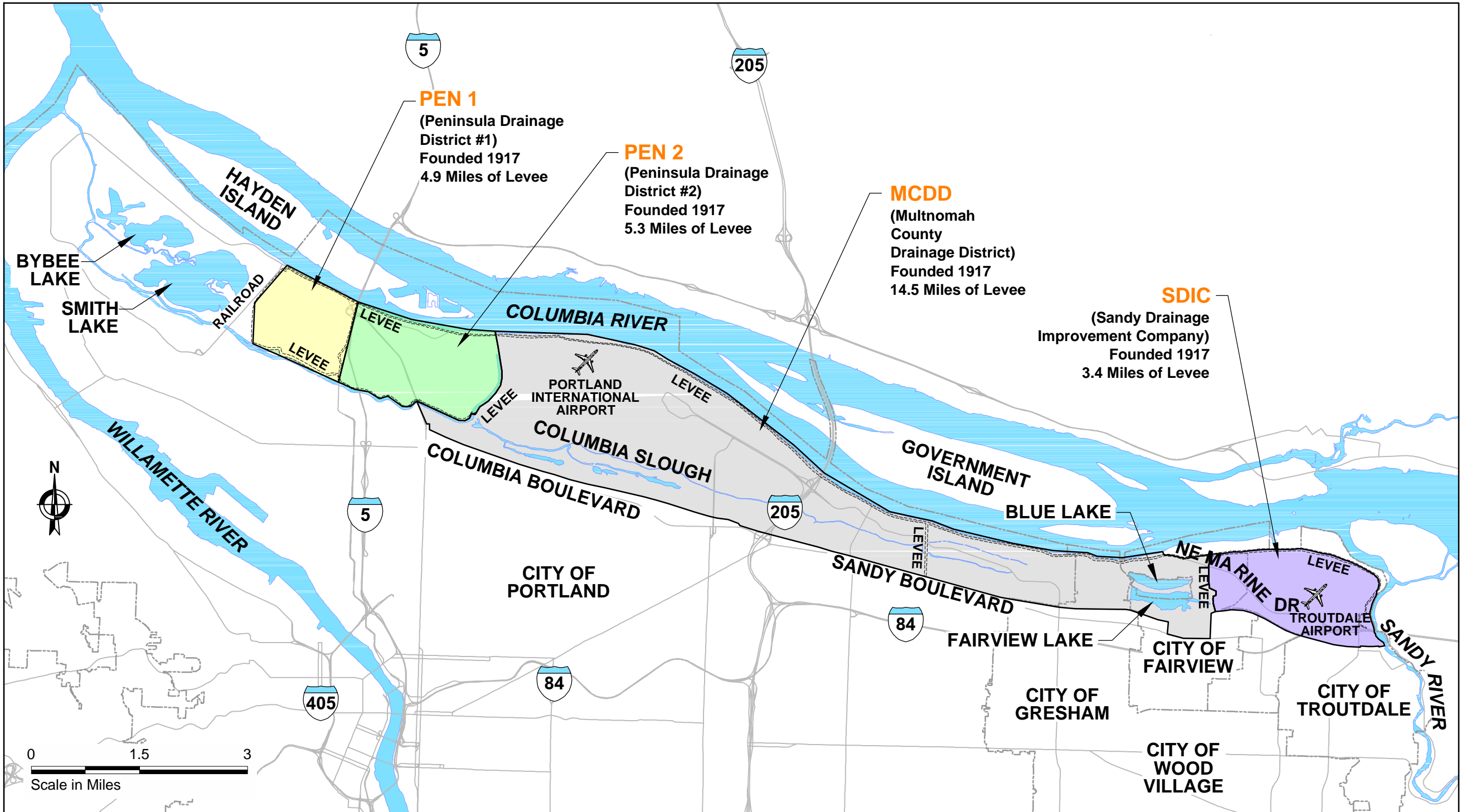
1. **Known Opposition:** At this time there is no known opposition. However, there are many stakeholders involved with the Oregon Solutions Team and decisions about the scope, cost and funding responsibilities could bring controversy.
2. **Legal Antecedents:** As a land owner, Metro has legal obligations for on-going funding of the operations and maintenance of the levee system and will have financial obligations when solutions are agreed to. Further, if the levee system is not addressed and the region's supply of industrial lands is impacted, it would trigger Metro growth management obligations to provide an adequate supply of developable lands. Finally, state and federal funding approaches may be involved and regional support for proposed legislation will be essential.
3. **Anticipated Effects:** Executing this agreement represents a good faith agreement to participate in this process. Any future decisions remain the responsibility of the parties that will implement agreed upon actions. If any action is needed from Metro, there is nothing in this agreement that delegates that responsibility to others.
4. **Budget Impacts:** Metro has already committed up to \$385,000 toward the consulting costs of this project. The additional staff involvement can be accommodated in the current budget.

## **RECOMMENDED ACTION**

Recommend approval of Resolution No. 15-4606

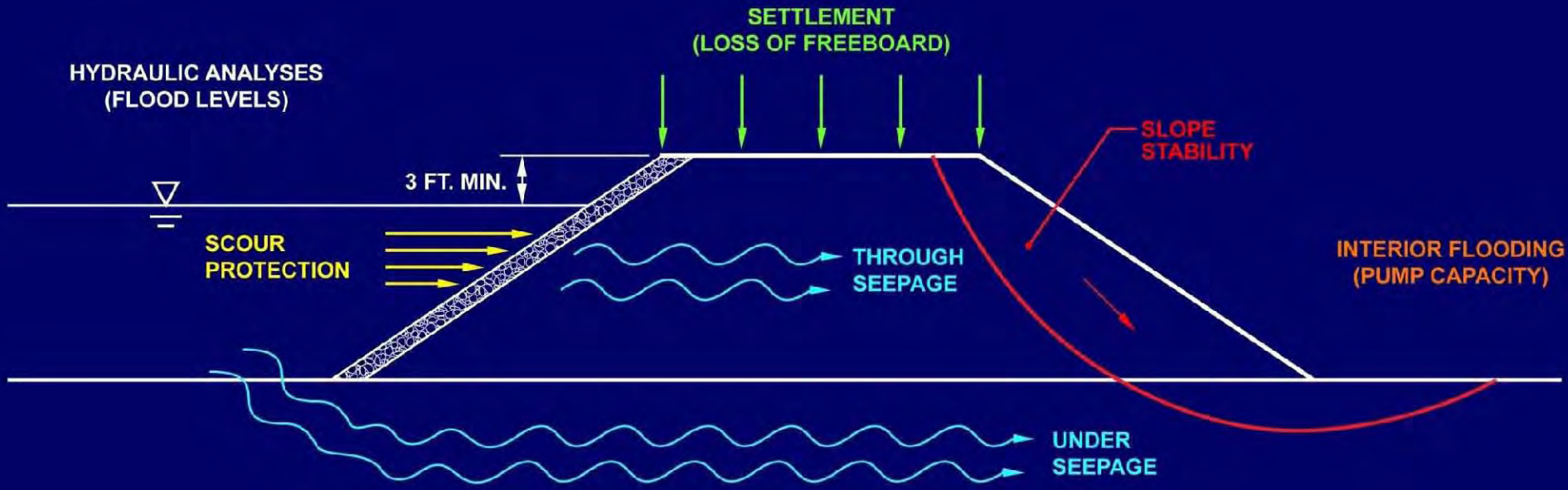








## 44 CFR 65.10 CERTIFICATION REQUIREMENTS



### ALSO

- CHECK CLOSURE STRUCTURE DESIGNS
- OPERATION AND MAINTENANCE MANUALS
- ENCROACHMENTS



## COLUMBIA RIVER LEVEE REPAIR AND ACCREDITATION

### Phase I to Phase II

## DECLARATION OF COOPERATION – **DRAFT 2/1015**

### **Introduction and Purpose of this Declaration**

The Columbia River Levee Repair and Accreditation Oregon Solutions Project Team is a cross-sector regional team working together to address the safety, FEMA accreditation, and U.S. Army Corps of Engineers (USACE) approval of the Columbia River levees.

The first phase of the Oregon Solutions process (Phase I) , which began in December of 2013, focused on identifying what issues or shortcomings in the levee system need to be addressed.

Over the next 12-18 months our next phase of work (Phase II) will focus on identifying and evaluating alternative solutions to the issues and shortcomings in Peninsula Drainage District No. 1 (PEN 1) and Peninsula Drainage District No. 2 (PEN 2) identified in Phase I and may include initial steps to begin implementation of identified solutions. In addition, as a region we will invite a regional discussion with other drainage districts in Multnomah County that will be soon facing the same need to determine whether the levees are providing the desired level of flood protection.

This is an appropriate time for the Oregon Solutions Team to think about its goals for the next phase and how it wants to work together. A Declaration of Cooperation that all parties sign will help clarify expectations for this next phase, including the following:

- Overall goals, principles, and commitments for how we will work together
- Geographic scope
- Interim governance structure – how decisions will get made
- Public outreach and involvement
- Funding issues and tasks

While this document is *not* a legally-binding agreement, it is intended as a good-faith representation of the intent and commitments of the signing parties at this time, to help facilitate the regional collaboration on this important project. However, in *no* event shall this document be used as the basis for any claim by one party against the other.

More importantly, it is intended to serve as a guidance document as the parties move forward to collaboratively make decisions related to levee repair and accreditation.

### **Phase I Accomplishments**

1. The Columbia River Levee Repair and Accreditation Project was designated as an Oregon Solutions project by the Governor. While the primary focus of this project has been the levee systems in the Peninsula 1 and Peninsula 2 drainage districts in Portland, the initial intent was to utilize lessons learned from this process for subsequent flood safety efforts for the Multnomah Drainage District, the Sandy Drainage Improvement Company, the Sauvie Island Drainage Improvement Company, and others statewide.
  
2. A primary focus of Phase I was to identify the minimum requirements for Certification pursuant to FEMA accreditation of the levee systems in Pen 1 and Pen 2. Cornforth Consultants were retained to conduct an engineering assessment, and have identified four areas requiring attention in order to meet the minimum acceptable standards for accreditation by FEMA:
  - The BNSF and UP railroad embankments form the west side of PEN 1. Although limited access to the railroad embankments prevented thorough analysis of soil stability, historical data shows that soil removed from the St. Johns cut covers the original trestle system supporting the railroad. The wooden trestle system was not removed and remains within the embankment, with the timbers decomposing. While both railroad companies have stated it is against their national policy to sign the required operation and maintenance agreement to achieve accreditation, the USACE has recognized the embankment as serving a levee function and has improved or reinforced the embankment over the years.

- Two low spots near the Interstate 5 interchange at North Marine Drive. These do not meet the required height at the northeast corner of the cross levee for PEN 1 / PEN 2.
  - A low spot at the northeast corner of PEN 2. This spot fails to meet the required height. This low spot is located on vacant Port of Portland property.
  - The Peninsula Drainage Canal Cross-Levee that forms the east side of PEN 2. Instability due to narrow, steep embankments on this levee could cause the levee to fail during certain high water events. The cross-levee is narrow in width and has steep walls.
3. Cornforth Consultants subsequently completed an additional modeling analyses of the levee systems using the US Army Corps of Engineers (USACE) authorized design level flood analyses. For much of the levee systems in PEN 1 and PEN 2, these analyses approached a 500-year flood level. The results are:
  4. Cornforth Consultants also conducted a “reverse engineering” analysis, to determine the maximum level of flooding for which each of the PEN 1 and PEN 2 levee sections is currently protective. This was done to provide a basis for cost-benefit analysis.
  5. The Oregon Solutions Team has also attempted to better understand the potential impact on levee repair options that the NOAA Biological Opinion may have on the National Flood Insurance Program in Oregon.
  6. Last, the USACE has provided guidance on their current view of the key levee repairs or actions needed to keep the PEN 1 and PEN 2 districts active in the Corps’ Rehabilitation and Inspection Program (RIP).
  7. In June of 2014, the Oregon Infrastructure Finance Authority provided a 7-year low-interest loan for \$1.4 million, to complete the Cornforth engineering evaluation of the flood control systems in PEN 1 and PEN 2. Commitments were received from the PEN 1

District, PEN 2 District, City of Portland, Port of Portland, and Metro to pay off the loan. The City of Portland acted as the recipient of the loan and provided the administrative support.

8. The USACE and MCDD initiated a Planning Assistance to States (PAS) study for \$200,000 to develop alternatives and initial design of a solution to the railroad levee issues.
9. The Oregon Solutions Team has sponsored several opportunities to learn from other communities that have been through this. A panel discussion was held on May 20, and Scott Shapiro from Sacramento spoke to a statewide audience in November. Both sessions were videotaped and are posted on the project's Oregon Solutions website.

### **Phase II Principles and commitments for how we will work together**

We agree to the following principles and commitments to guide our efforts during Phase II (in addition to the attached Oregon Solutions Team Ground Rules, adopted in December 2013):

- a. Commitment to move forward. We are committed to work together to keep the accreditation process moving forward in a way that is expeditious and timely yet sensitive to the impacts that levee repair and accreditation decisions will have on many and varied stakeholders.
- b. Recognize the area's regional economic importance. We will work as regional partners to achieve a level of flood protection that recognizes the economic importance of the area protected by the levees to the metro region, while also being economically prudent.
- c. Importance of public outreach. We understand the critical need to inform and frequently update and hear from the public and community groups about the accreditation process, and the impacts it may have (both positive and negative).
- d. Ecological valuation. We will identify and explore levee system solutions that recognize the ecological potential for the area.
- e. Historical Significance. We will also work to engage all communities with historical ties to the system in a collaborative discussion through public outreach and communication.



- f. Early collaboration with regulatory agencies. We will work proactively with federal, state and local agencies to identify and address regulatory concerns.

## **Phase II Project Goals**

In Phase I, the Oregon Solutions Team investigated the issues and deficiencies in meeting minimum FEMA accreditation standards for PEN 1 and PEN 2 through the Levee Engineering Assessment. Additional modeling was conducted to assess the USACE authorized design and existing levels of protection.

In Phase II, our work will focus on developing alternative solutions to accomplish the following primary goals:

- Provide flood protection for each district to the level desired by the community.
- Meet FEMA accreditation standards to maintain insurance coverage through the National Flood Insurance Program (NFIP).
- Maintain active status in the USACE's Rehabilitation and Inspection Program (RIP).

In identifying and evaluating alternative solutions for meeting these primary goals, we will develop in Phase II a process and criteria for evaluation and selection of the preferred solutions. That process will include at least the following considerations for how best to meet the goals:

- i. Impacts to surrounding public and private property owners including recognition of historical community impacts of the levee system
- ii. Ecosystem function including environmental, wildlife and habitat values
- iii. Consistency with existing neighborhood and community plans
- iv. Current and future economic stability
- v. Broader community benefits such as recreation, transportation and access
- vi. Protection of key public (and other) infrastructure

By the end of Phase II we hope to have general consensus on the preferred solution alternatives in PEN 1 and PEN 2 Districts, after thorough analysis, public input and deliberation.

## **Expanding the Geographic Scope.**

We will begin during Phase II to incorporate other districts in Multnomah County into a larger regional effort, as Multnomah County Drainage District, Sandy Drainage Improvement Company, and Sauvie Island Drainage Improvement Company will soon be facing similar needs for re-certification and accreditation.

During Phase II, the Oregon Solutions Columbia Levee Project Team will need to address how to specifically incorporate the work of these other districts (all of which have the same primary goals stated above) into a larger regional, coordinated effort. That discussion will of necessity include discussion with key stakeholders from the other districts, and will include tackling issues such as:

1. Beginning the engineering assessment of MCDD and Sandy Drainage Improvement Company,
2. Potential cost savings through coordinating remediation alternatives including consideration of certifying and accrediting the perimeter levee of a single system and not include the cross levees between the separate districts.
3. Coordinated financing of accreditation-related activities
4. How to ensure the expansion of the geographic focus achieves the desired coordination without impeding progress in PEN 1 or PEN 2 or any of the other districts.

## **Phase II Governance**

We recognize that longer-term and more formal governance-structure changes may be required, and that revisions to *this* interim governance structure may even be required as we learn more. Nevertheless, for purposes of being able to move forward without costly delays, we believe agreement on the interim governance structure is critical.

- a. **The Columbia River Levee Oregon Solutions Team** will continue to be the main forum for policy-level decisions about levee repair alternatives and related policies that could affect multiple jurisdictions or stakeholders.
- b. **Individual jurisdictions** shall retain their current authorities and responsibilities; e.g. the City of Portland shall be the jurisdiction officially recognized by FEMA to request re-accreditation for levees within the City limits; similarly, PEN 1 and PEN 2

shall retain the primary responsibility to maintain their levee systems and continue in the USACE's RIP program.

c. **A Technical Advisory Committee** shall provide review and advice on technical matters to the Oregon Solutions Team. It will not make policy decisions, but may be asked to provide technical recommendations. This Technical Advisory Committee may in turn charge sub-committees with membership that will be designed to provide the needed technical expertise and perspectives. Among the specific tasks for the Technical Advisory Committee in Phase II will be:

- Providing technical review and vetting of consultant work (including development or review of Scopes of Work for consultants)
- Helping frame technical issues or technical aspects of programmatic/policy decisions that will be before the Oregon Solutions Team
- Developing and reviewing alternatives for levee improvements

d. **A Public Outreach Team** shall be charged with designing and implementing strategies for communicating with the general public and specific stakeholder groups, as necessary. This team will include communications staff from each of the government agencies on the Columbia Levee Oregon Solutions Team and will be open to equal participation from members of any other Oregon Solutions Team partner. The team will coordinate communications across agencies and direct the communications and engagement work of the Oregon Solutions Team.

g. **A Steering Committee** will be formed to deliberate on administrative matters (meeting agendas, budgets, contracts, etc.) and at times make recommendations to the larger Oregon Solutions Team. Among the tasks for the Steering Committee will be:

- Framing questions for the Technical Advisory Committee
- Framing policy issues for decision-making by the larger Columbia Levee Oregon Solutions Team
- Helping identify who has regulatory or legal responsibility/authority on a particular issue.
- Making some purely administrative decisions to move the project forward

- Delegating, for purposes of administrative efficiency, certain tasks such as review of contractor change orders, to one of the participating jurisdictions.
  - Any policy decisions affecting multiple stakeholders will be reserved for the full Oregon Solutions Team, rather than the Steering Committee.
- i. The Steering Committee will make decisions based upon a consensus of the “affected jurisdictions” when directly related to a particular decision. A consensus will be defined as “unanimous consent” (i.e. “we can live with that”) by the affected jurisdictions.
  - ii. Jurisdictions invited to participate in the Steering Committee will include:
    1. City of Portland
    2. Multnomah County
    3. Peninsula 1 Drainage District
    4. Peninsula 2 Drainage District
    5. Multnomah County Drainage District #1
    6. Metro
    7. East Columbia Neighbors Assn.
    8. Bridgeton Neighbors Assn.
    9. Port of Portland
    10. State of Oregon Regional Solutions Center
  - iii. During Phase II, there may be times when the following jurisdictions shall also be invited to participate in the Steering Committee discussions:
    1. Sandy Drainage Improvement Company
    2. Sauvie Island Drainage Improvement Company
    3. City of Gresham
    4. City of Fairview
    5. City of Troutdale

### **Public Outreach and Involvement**

Effective public outreach and public involvement will be critical to the success of next phase(s) of this project. Property owners, residents, business owners, employees, recreationalists,

environmentalists, and tax payers are a just a sample of the varied audiences that may be interested in, and affected by, the Levee Repair and Improvement project. The Columbia Levee Oregon Solutions Team intentionally includes representatives from many of these groups but will need to also make a collective effort to communicate with and provide opportunities to hear from both the general public and affected groups. This effort will include communication and public involvement tasks such as:

- Identification of community values to be used in evaluating levee repair or improvement alternatives
- Creating and maintaining partnerships with neighborhood associations, community groups, community leaders, business groups, conservation and environmental groups,
- Ensuring communication and engagement efforts are inclusive of historically underrepresented groups
- Developing and implementing communication strategies including installation of signage, earned media strategies, social media strategies, and public events
- Partnering with non-partisan, academic, or otherwise independent policy and research organizations
- Implementing public involvement strategies such as surveys, design charrettes, and/or focus groups
- Managing communications and outreach contractors to assist with media relations, design, and branding

### **Funding for Phase II**

Most of the anticipated consultant expenses for identification and evaluation of alternative solutions for levee improvements will be covered by the IFA Loan. Major additional budget expenses anticipated for Phase II of this Oregon Solutions project, expected to last from March 2015 to March 2016, include:

- Analysis of potential floodplain restoration alternatives, including cost-benefit analysis
- Additional public outreach expense
- Oregon Solutions process management and facilitation
- Comprehensive economic study of all four districts and the impact of losing accreditation
- Begin engineering investigation and analyses of MCDD and SDIC levees

Signature to this document does not constitute commitment of financial resources for the activities listed above. During Phase II we will further define the scope of activities and budget required, and develop a separate Intergovernmental agreements or memorandums of understanding for how to fund the necessary activities.

**Legal authorities, constraints, and responsibilities**

This interim governance approach has been informed by the current legal context, summarized in the attached Legal Subcommittee report: *Background on Flood Protection*. The Legal Subcommittee Report has been reviewed by the affected jurisdictions and, while not inclusive of *all* legal authorities and responsibilities related to levee accreditation or maintenance, it is generally accepted as providing an appropriate context for the interim governance approach outlined in this Declaration of Cooperation.

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City of Portland,

\_\_\_\_\_  
Multnomah County

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Peninsula 1 Drainage District

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Peninsula 2 Drainage District

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Bridgeton Neighborhood Association

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East Columbia Neighborhood Assn.

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Metro

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Port of Portland

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Audubon Society of Portland

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Columbia Slough Watershed Council

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Oregon Governor's Office

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Multnomah County Drainage District

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Oregon Dept. of Environmental Quality

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Oregon DLCD

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Columbia Corridor Association

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Jubitz

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Federal Emerg. Management Admin.

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U.S. Army Corps of Engineers

**OREGON SOLUTIONS COLUMBIA RIVER LEVEE REPAIR AND ACCREDITATION  
PROJECT  
LEGAL SUBCOMMITTEE REPORT: BACKGROUND ON FLOOD PROTECTION  
PURPOSE**

The Portland metropolitan area that borders the Columbia River, commonly known as the Columbia Corridor, is currently protected from flooding through an extensive system that includes a 27-mile levee running along the Columbia River, Sandy River, and the Columbia Slough, interior drainage components, and pump stations ("Flood Protection System"). The primary purpose of the system is to ensure the continued safety of the people, businesses, and other assets of the region.

The purpose of this document is to provide background on flood protection in the Columbia Corridor. It is an informational tool on flood protection authorities, standards, and tasks upon which decision-makers may rely as part of their policy analysis. Also, it can provide a framework within which decision-makers may agree to work cooperatively and collaboratively to address flood protection issues in the Columbia Corridor.

**This document does not constitute a legally-binding commitment by any entity—nothing in this document is intended, and may not be construed as intending, to commit any entity to any tasks specified herein ,or otherwise, concerning flood protection.**

The governmental jurisdictions are:

- a. Multnomah County Drainage District No. 1
- b. Peninsula Drainage District No. 1
- c. Peninsula Drainage District No. 2
- d. Sandy Drainage Improvement Company
- e. City of Fairview
- f. City of Gresham
- g. City of Portland
- h. City of Troutdale
- i. Metro
- j. Multnomah County
- k. Port of Portland
- l. State of Oregon—Oregon Water Resources Commission



## FLOOD PROTECTION AUTHORITY

1. Peninsula Drainage District No. 1 ("PEN 1"), Peninsula Drainage District No. 2 ("PEN 2"), Multnomah County Drainage District No. 1 ("MCDD"), and Sandy Drainage Improvement Company ("SDIC") (collectively, "Drainage Entities").

1.1 PEN 1, PEN 2, and MCDD are drainage districts formed under ORS Chapter 547 and are subject to ORS 548, "for the purpose of having such lands reclaimed and protected by drainage or otherwise from the effects of water, for sanitary or agricultural purposes, or when the same may be conducive to the public health, convenience and welfare or of public utility or benefit." (ORS 547.005)

1.2 SDIC is a drainage improvement corporation ("DIC") organized under ORS 554 and is directed by its articles of incorporation to construct, operate, and maintain flood control facilities and a system of sloughs, canals, ditches, and waterways to drain benefited properties and make water available for irrigation of benefited properties, for both sanitary and agricultural purposes. ORS 554.080; ORS 554.110.

1.3 The Drainage Entities are special purpose entities under ORS 198, are creatures of statute, and have only those powers enumerated in the statutes.

1.4 PEN 1, PEN 2, and MCDD lack the authority to expand upon or enhance their statutorily-enumerated powers through police-power regulations with the force and effect of law.

1.5 SDIC is a public corporation, but has it been held to be more akin to private non-profit corporations and to have no police powers in the usual sense, although a DIC can enact regulations applicable to its members. ORS 554.080(6).

1.6 The sole funding method available to the drainage districts for operations and debt is via assessment of property owners with the districts. ORS 547.455-.510. Such assessments are levied and collected in the same manner as property taxes. This is also the primary method available for funding DICs. ORS 554.080(8); ORS 554.130. DICs are also authorized to enact and enforce "rates, tolls, fees, fines, and chargers" for the maintenance and operation of the corporation (although SDIC has never done so). See ORS 554.080(7).

1.7 PEN 1, PEN 2, and MCDD are authorized the issuance of general obligation bonds payable from assessments for not more than 40 years. ORS 547.555-580. Such bonds are "subject to approval by the electors of the district." ORS 547.555(1). There is some question as

to whether a property owner is an "elector" within the meaning of the Ballot Measure 5 exception applicable to bonded indebtedness approved by the electors.

1.8 DICs may also issue bonds backed by assessments. ORS 554.160, 554.220. DIC assessments are not subject to compression under Measure 5.

2. City of Fairview, City of Gresham, City of Portland, and City of Troutdale (singularly, "City" and collectively, the "Cities").

2.1 Each City is a municipal corporation operating under a home rule charter pursuant to Or. Const. Art. IV, section 1(5); Article XI, Sec. 2. Each City has broad authority over all matters that it determines to be of municipal concern, except as expressly preempted by state statute and as limited in their home rule charters.

2.2 In addition to its broad home rule authority, each City has authority over land use planning, zoning, and development review within its jurisdictional boundaries, subject to compliance with state and regional requirements. See ORS Chapter 227. Cities also have express authority to assume the assets and responsibilities of any drainage district through annexation or partial annexation. ORS 222.510 to 222.580, as applied by ORS 547.755. (Before a City may withdraw territory from a drainage district, however, it must obtain approval from three-quarters of the district voters in the area to be annexed to the City.)

2.3 Each City has multiple funding sources and capabilities, subject to state preemption and regulation and the specific restrictions in their home rule charters.

2.4 The City of Portland owns Portland International Raceway and Heron Lakes Golf Club in PEN 1.

3. Metro.

3.1 Metro is a metropolitan service district operating under a home rule charter pursuant to Or. Const. Art. XI, Section 14. Metro has broad authority over all matters that it determines to be of metropolitan concern, except as expressly preempted by state statute or as limited by its Charter.

3.2 In addition to its broad home rule authority, Metro has authority over the Metropolitan Urban Growth Boundary ("UGB") and certain functional planning matters of regional concern.

3.3 Metro has broad funding authority under its Charter, but the Charter also contains certain limitations on that authority.

3.4 Metro owns the Portland Expo Center in PEN 1.

4. Multnomah County.

4.1 Multnomah County is a political subdivision of the State of Oregon established pursuant to ORS 201.260 and operating under a home rule charter pursuant to Or. Const. Art. VI, sec. 10. Multnomah County has broad authority over all matters that it determines to be of County concern, except as expressly preempted by state statute or as limited by its Charter.

4.2 In addition to its broad home rule authority, the County has authority over land use planning, zoning and development review within its jurisdiction boundaries outside of city boundaries, subject to compliance with state and regional requirements. See ORS Chapter 215. By intergovernmental agreement, the County has delegated that authority to cities for unincorporated areas within the Metropolitan Urban Growth Boundary ("UGB"). (All of the Drainage Entities are within the UGB.) In addition, the County has express statutory authority to exercise the powers of a diking district (ORS 551.160) and to exercise authority over drainage and flood control under ORS Chapter 549.

4.3 Multnomah County has broad funding authority under its Charter, subject to state preemption and regulation and the specific restrictions in their home rule charters.

4.4 Multnomah County owns roads and structures within MCDD and SDIC.

5. Port of Portland (the "Port").

5.1 The Port is a port district operating under its own enabling act, ORS Chapter 778. In addition, it may exercise most of the powers of port districts generally under ORS Chapter 777. See ORS 778.008. The purpose of the Port is to "promote the maritime, shipping, aviation, commercial, and industrial interests of the port" and is granted the power to "do any other acts and things which are requisite, necessary or convenient in accomplishing the purpose described or in carrying out the powers granted to it by law." ORS 778.015.

5.2 The Port may levy taxes and issue general obligation bonds pursuant to ORS 778.030 to 070 and revenue bonds per ORS 778.145 to 778.175. The Port also receives significant revenues from its commercial port operations. See ORS 778.025.

5.3 The Port owns real property in PEN 1, the Portland International in MCDD, and the Troutdale airport in and SDIC, which impacts the nature of the authority that it may have exercise with respect to these districts.

6. Oregon Water Resources Commission

6.1 The Water Resources Commission has general authority over state water resources pursuant to the authorities of ORS Chapter 537.

6.2 The Water Resources Commission has authority to participate in federal flood control projects pursuant to ORS 549.605 through ORS 549.645.

7. Intergovernmental Authority.

7.1 Intergovernmental Agreements. Pursuant to ORS 190.010 to 190.030, any unit of government may enter into an intergovernmental agreement ("IGA") with one or more other units of government for the performance of any functions or activities that the units of government has the authority to perform. A unit of government performing the functions or activities of another is "vested with all powers, rights and duties relating to those functions and activities that are vested by law in each separate party to the agreement." MCDD, for example, administers all of the Drainage Entities pursuant to IGAs with PEN 1, PEN 2, and SDIC.

7.2 Intergovernmental Entities. Units of government can create an independent entity by IGA to perform certain functions and services. ORS 190.080. Such an entity can issue revenue bonds and enter into financing agreements, but may not levy taxes or issue G.O. bonds. ORS 190.080(2).

### **FLOOD PROTECTION STANDARDS**

1. U.S. Army Corps of Engineers ("USACE").

1.1 Under the federal Flood Control Acts of 1936 and 1950, the Drainage Entities are obligated to operate and maintain the levee system in accordance with USACE's flood control regulations. In addition, PEN 1 is contractually obligated to USACE to do the same.

2. Federal Emergency Management Agency ("FEMA").

2.1 FEMA implements the National Flood Insurance Program ("NFIP"), which designates flood-prone areas as Special Flood Hazard Areas and requires flood insurance for properties in those areas as a condition of receiving any federal funding and assistance.

2.2 The NFIP applies to a "Community," which is defined as a state or a political subdivision that has "zoning and building code jurisdiction over a particular area having special flood hazards" and, specifically, "authority to adopt and enforce floodplain-management regulations in the areas within its jurisdiction." 42 USC § 4003(a)(1); 44 CFR § 59.1.

Accordingly, the Cities and Multnomah County are Communities under the NFIP. The Drainage Entities, Metro, and the Port of Portland are not Communities under the NFIP.

2.3 If a Community relies on a levee system to avoid the Special Flood Hazard Area designation, then such a levee system must be accredited by FEMA as providing the appropriate level of flood-protection. The accreditation can be sought by a Community or "other party

seeking recognition of such a levee system." 44 CFR § 65.10(a). As part of this accreditation process, either the Community or the Drainage Entities (as the levee system operator) could provide levee data that has been certified by a qualified engineer or by USACE. Under the NFIP, and to the extent an accreditation is sought, the only affirmative duty of the Drainage Entities is to provide a maintenance plan to FEMA. 44 CFR § 65.10(b).

### **MAJOR FLOOD PROTECTION TASKS**

Flood protection in the Columbia Corridor faces a complex and changing regulatory landscape at local, state, and federal levels. This section describes aspects and tasks that are essential to an effective and efficient operation of the Flood Protection System in order to ensure the continued integrity of the system and the safety of the public and in light of the changing regulations. It is an informational tool that decision-makers can rely on in their policy analysis and evaluation of participation in a cooperative and collaborative process to address flood protection issues in the Columbia Corridor.

**Nothing in this section or the document is intended, and may not be construed as intending, to commit any entity to any tasks or operational aspects specified herein.**

#### 3. Regulatory Tasks.

3.1 Adopt zoning and building code jurisdiction over a particular area having special flood hazards.

3.2 Adopt zoning and building codes to control development affecting the operation and maintenance of the Flood Protection System.

3.3 Adopt authority to enforce floodplain-management regulations in areas that the Flood Protection System serves.

3.4 Secure additional property rights, including easements and rights-of-way, necessary to operate, maintain, and protect the Flood Protection System.

3.5 Monitor and enforce against violations of the Drainage Entities' property rights, including easements and rights-of-way.

#### 4. Operation and Maintenance Tasks.

4.1 Routinely inspect and investigate the adequacy (informally and formally) of the Flood Protection System by staff, USACE, and FEMA to comply with the standards of USACE and FEMA.

4.2 Dredge interior drainage ways.

- 4.3 Manage and pump influent stormwater from the interior drainage system.
- 4.4 Comply with other applicable laws in the operation and maintenance of the Flood Protection System, including but not limited to the Endangered Species Act, the Clean Water Act, the National Environmental Policy Act, and the Rivers and Harbors Act. This may include administrative consultation with the regulating agency, as well as capital improvements to the Flood Protection System.
- 4.5 Provide adequate administrative staffing for operation and maintenance.
- 5. Funding Tasks.
  - 5.1 Provide adequate funding to adopt and enforce zoning and building codes, floodplain management regulations, and property rights.
  - 5.2 Provide adequate funding to carry out operation and maintenance.
  - 5.3 Provide adequate funding to investigate and make capital improvements to the Flood Protection System to comply with the standards of USACE and FEMA.

## 6. **FEMA Accreditation**

The following is a list of general steps to involve in a FEMA accreditation of a levee should a Community, or any other entity, chooses to pursue it.

- 6.1 Certification of the levee system by a professional engineer or by USACE.
  - (a) Investigate and evaluate the current condition and identify deficiencies
  - (b) Design and collaborate on best approaches to address deficiencies
  - (c) Implement repairs to address deficiencies
  - (d) Professional engineer or USACE "certifies" that levee meets accreditation standards and submits certified documentation to FEMA
  - (e) FEMA accredits the system
- 6.2 Evaluate the cost and benefit of accreditation status
- 6.3 Evaluate financial options to fund accreditation
- 6.4 Evaluate governance options to seek and manage the accreditation process

### **Five Models on Governance From Other Jurisdictions**

Many communities across the country rely on levees for flood protection. A number of these communities have dealt with issues concerning accreditation of their levee systems through

various governance structures. The following is a list of a few models for illustrative purposes to inform decision-makers in their policy analysis and consideration. It is not an exhaustive list and does not seek to establish any preferred model.

7. Type I— Existing Structure.

7.1 This is the current structure in which the Drainage Entities are merely "maintenance entities" with limited and narrow statutory and funding authorities.

7.2 There are inadequate statutory and funding authorities to deal with the larger accreditation problem.

8. Type 2 —Joint Powers Authority ("JPA") or Intergovernmental Agreements (IGAs)

8.1 This was the approach taken in the Sacramento area. Pursuant to California's Joint Exercise of Powers Act, entities can agree to form a third party agency that makes use of their overlapping powers. There is lots of flexibility in California about the formation of JPAs, so they are common. This is similar to Oregon, allowing for local government agencies to entered into an IGA to perform "\* \* \* any or all functions and activities that a party to the agreement, its officers or agencies, have authority to perform." ORS 190.010.

8.2 In California, and like the Drainage Entities, local maintenance districts were created without adequate funding or authorities to deal with the larger accreditation problem. JPAs were formed to deal with the issue.

8.3 Example: Sacramento Area Flood Control Agency ("SAFCA") is represented by five entities that include Reclamation Districts, a city, and two counties with representatives on the board of directors.

8.4 The advantage of a JPA is the reduction in distraction by other organizational issues. For example, a focused attention in SAFCA led to \$1 billion in flood control improvements including legislative appropriations, local funds, and bonds passed.

8.5 Authorities of JPA.

(a) Powers are limited to those powers held in common by the agencies, including things like funding mechanisms and eminent domain power.

(b) Authorities are not delegated from the participating entities to the JPA, but it is governed by participant entities.

(i) Actions by the JPA do not necessarily require approval from participant boards

(ii) Alternatively, veto power or approval requirements can be designated in the agreement which creates the entity.

(c) Regarding minority veto power:

(i) In the SAFCA example, 4 out of 7 city council members and all of the County Supervisors serve on the board of directors, giving them effective veto power in the JPA .

(ii) Depends on political considerations and how the various entities relate to one another.

9. Type III—JPA With Delegated Powers to a Member Agency

9.1 The legal structure is the same as above, but the JPA entity contracts with one of its members for all staffing.

9.2 By example, the West Sacramento Area Flood Control Agency ("WSAFCA") contracts with the City to provide the staffing to carry out the JPA functions.

9.3 This type of entity can lose focus because it is restricted by the limitations of the contracting entity—e.g. people's time and resources.

#### 10. Type IV –Legislative Repurposing of an Existing Special District

10.1 An example is Southwest Illinois Flood Protection District in the Chicago area, where three to four cities are involved.

10.2 This district was formed when USACE had revoked certification and FEMA began to talk about accreditation.

10.3 They pursued a legislative fix that gave an old existing district new authority to manage the problem.

#### 11. Type V—Land Use Authority Takes Over

11.1 An example is at the Trinity River Project, which is a flood control project and redevelopment along the river. The City took it over as a redevelopment project and managed in the flood control project.

11.2 The advantage of this model is that it avoided distraction by creating a dedicated department within the City.

#### 12. Type VI – New Legislatively-Created District

12.1 Southeast Louisiana Flood Protection Authority is an example of such a newly created entity.

12.2 The legislature created a third party entity with representation from other existing flood protection entities.

12.3 The original entities still exist but the new entity overlays with new responsibilities.

12.4 The legislature hoped that the other entities would eventually be subsumed by the new one.





## Team Member Ground Rules

The Project partners in the Oregon Solutions process are committed to the following “ground rules” for how they conduct their business with one another:

### ***General Principles***

- We agree to approach problems with creativity and with open minds.
- We each have a unique perspective and contribution to make.

### **Ground Rules**

1. We recognize that the best outcome depends upon cooperation and collaboration by all entities at the table.
2. We commit to openly communicate ideas, potential contributions, and concerns, and also to engage in respectful, active listening to each other.
3. We will focus on the future we would like to create rather than past problems and past history of issues.
4. We will work toward an agreement that is fair and constructive for everyone. When consensus is not possible, we will acknowledge and accept our differences and work toward the best possible outcome.
5. We agree to commit to the agreed-upon solution, in whatever way we can. If we, individually, are unable to make a commitment for our organization, we will work to identify what will make that commitment possible.
6. We commit to building trust by doing what we say we will do.
7. We agree to notify each other before taking outside actions that might impact the process.
8. We agree to attend all meetings or designate an alternate and we will be responsible for keeping the alternate updated. We are responsible for keeping any group entity that we are affiliated with “up to speed.” If we have suggestions for an agenda, we will contact one of the Co-Conveners or project manager well in advance of the meeting.

Note: **Public participation** will be allowed with the consent of the Co-Conveners. Generally, the Project Team will be given priority in all discussion, and in some situations it will be limited to just the Project Team. All meetings are open to the public. Communications with the press and other media are most representative when they come on behalf of the whole Project Team.



Agenda Item No. 3.0

**FEDERAL TRANSPORTATION POLICY OPTIONS DISCUSSION**

Metro Council Work Session  
Tuesday, February 24, 2015  
Metro Regional Center, Council Chamber



## **PORTLAND REGION POSITION ON FEDERAL TRANSPORTATION POLICY AND FUNDING**

Investment in a multi-modal transportation system is important for the region, the state and the nation to reach its goals for economic growth and prosperity, community livability and environmental sustainability and to ensure there is an equitable ability of all members of the community to benefit. The federal transportation program is important to contribute toward taking care of aging infrastructure, increasing global competitiveness and addressing sustainability and resilience to earthquakes and extreme weather event. In particular, the "2014 Economic Impacts of Congestion" documents the dependence of the economy of Oregon and the Portland region on a transportation system that moves goods, provides access to labor and increases productivity. Further, investing in improvements to reduce congestion will provide \$1.1 billion in economic benefits and provide \$2.40 in return on investment for every \$1 expenditure on improvements. At the same time, the state has adopted aggressive targets for reducing greenhouse gases and the Portland region has adopted a plan that meets those targets, serving as a model for the country. Accomplishing these goals requires commitment at the federal, state and local levels. The state and local governments have stepped up substantially to increase their level of investment and are aggressively pursuing further increases. However, the federal government has not stepped up and the overall share of investment by the federal government is shrinking as a percent of the total.

With this in mind, the following are the key policy messages from the Portland region to our Congressional delegation.

### **INCREASE INVESTMENT**

- Substantially increase the level of federal investment in all parts of the multi-modal surface transportation system, preferably with some form of highway user fees and with a renewed expression of commitment through addition to the Highway Trust Fund. This is the foundation of the federal highway program, providing the certainty and stability of formula funds for highways, roads and streets to each state and metropolitan area.
- The region specifically supports the proposal by Congressman Blumenauer to increase and index the gas tax and the proposal by Congressman DeFazio to adopt a tax on each barrel of crude oil. Both approaches continue the long standing federal practice of funding transportation through user fees in recognition of those that benefit paying the fees. The region further supports Congressman Blumenauer's proposal to sunset the gas tax to encourage conversion to a mileage based fee and to expand the application of Road User Charge pilot projects to more states to increase the understanding and awareness of this approach.
- With an increased commitment of funding resources, adopt a 5-6 year authorization bill to provide certainty and stability to the planning, engineering and programming process.
- If there is not an increased funding commitment, maintain status quo levels (with a modest allowance for inflation) and limit the authorization bill to a two-year period.

### **EXPANDED POLICY INTENT**

With an increase in funding and 5-6 year certainty, it is feasible to expand the scope of the federal transportation program and invest in matters that need increased attention.

MAP-21 Framework – MAP-21, adopted in 2012, restructured the federal highway and transit programs and provides an effective platform to build upon.

- Continue the TIGER program at the \$500-600 million per year level and incorporate it into the Highway Trust Fund as an on-going part of the transportation program. The TIGER program has provided an important competitive funding source for innovative highway, transit bike and pedestrian projects and should be established on a reliable continuing basis.
- Consistent with the policy direction established through MAP-21, implement performance based planning and programming of funds to improve the transparency and accountability of decision-making. However, avoid a “one size fits all” approach and ensure performance metrics are comprehensive in nature covering not only measures of the condition and operation of the transportation facilities themselves but the community benefits that result such as safety, economic prosperity, affordability for the user, health, climate change and equity.
- Expand the federal ability to support transportation investment through better credit options including increased application of the TIFIA program.
- Consistent with MAP-21, continue the federal transportation investment in university research centers and programs.

The administration’s GROW America Act provides a framework to improve upon MAP-21.

- Consistent with the GROW America Act introduced by USDOT, consider establishing additional categories of competitive grants. Competition reinforces local innovation leading to better transportation investments nationwide. In order for the region to be competitive for these funds, there will need to be greater investment of local resources to get projects shovel-ready.
- In recognition of the increased competition and expansion into Core Capacity projects, increase the funding commitment for the Fixed Guideway Capital Investment Grant Program (New Starts and Small Starts programs).
- Relax limitations on the use of tolls for both raising revenue to fund maintenance and improvement of the transportation system and peak period demand management.
- Continue to expand the focus on freight by establishing funding for formula and competitive grant programs as well as funding for Projects of National and Regional Significance, but ensure freight is addressed in a multi-modal manner including urban and intercity trucking, rail, marine, air cargo and intermodal connections.
- Increase the level of investment in and the certainty of funds for passenger rail service through inclusion of the program in the Trust Fund.
- There is a proposal in the DOT bill to revise the criteria for US Coast Guard permitting of a new bridge over navigable waters to also take into consideration the needs of rail, aviation, transit and highway traffic. This may be important for any possible future replacement for the Interstate Bridge.

But further enhancements to the program should be considered.

- Restore the Highway Bridge Replacement and Rehabilitation Program which was eliminated through MAP-21.

- Clarify language for FTA sponsored joint development projects directing that they are intended to both provide for an economic return on the transit investment and produce more economically and socially successful communities as a result of the transit investment.
- Add an emphasis on improved access to employers and funding for “last mile” access.
- Increase the suballocation of funds to metropolitan planning organizations.
- Continue to pursue methods of streamlining federal requirements to speed up project delivery while maintaining the requirements for intergovernmental cooperation, community involvement, inclusion and equity and environmental impact.
- Renew the Commuter Parity Act providing comparable tax benefits to transit users as auto commuters.
- Expand the emphasis on safety including reduced serious injuries and deaths across all modes and on all parts of the transportation system. Establish separate safety targets for bike and pedestrian modes.

**PROJECT ACTIVITIES** - Certain projects are significantly impacted by the administrative practices of the federal agencies. Although Congress has eliminated the option of Congressional directive through earmarks, intervention to provide support from the delegation may be needed on certain projects.

- The Southwest Corridor and the Powell Division Corridors are progressing through the federal New Starts/Small Starts process with considerable FTA oversight.
- Passenger rail improvement between Eugene, Portland, Seattle and Vancouver BC is being pursued by Oregon, Washington and the Province of British Columbia. The scope of upgrade in Oregon is now under consideration in a Draft Environmental Impact Statement with considerable oversight by FRA.
- The region is targeting significant redevelopment around light rail and street cars stations which often involves significant FTA oversight. It is important to the region that investing in these sites be for the community goals of the area not just to capture the increased property value from the transit investment.
- There is currently a process underway with the US Army Corps of Engineers to consider alternative approaches for rehabilitation of the Locks at Willamette Falls and the reopening to public commercial and recreation service. This would enable the full length of the Willamette River to resume its historic function as an important route.





Materials following this page were distributed at the meeting.



# 2014 Compliance Report

March 2015

## About Metro

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

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

Stay in touch with news, stories and things to do.

**[www.oregonmetro.gov/connect](http://www.oregonmetro.gov/connect)**

### **Metro Council President**

Tom Hughes

### **Metro Councilors**

Shirley Craddick, District 1

Carlotta Collette, District 2

Craig Dirksen, District 3

Kathryn Harrington, District 4

Sam Chase, District 5

Bob Stacey, District 6

### **Auditor**

Brian Evans

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## Executive Summary

Metro's Urban Growth Management Functional Plan provides tools and guidance for local jurisdictions to implement regional policies and achieve the goals set out in the region's 2040 Growth Concept. The 2014 Compliance Report summarizes the status of compliance for each city and county in the region with the Metro Code requirements included in the Urban Growth Management Functional Plan and the Regional Transportation Functional Plan. Every city and county in the region is required if necessary to change their comprehensive plans or land use regulations to come into compliance with Metro Code requirements within two years of acknowledgement by the Oregon Land Conservation and Development Commission and to remain in compliance. The information in this report confirms the strong partnerships at work in this region to implement regional and local plans.

In 2014, there were no requests for extensions of existing compliance dates for the Urban Growth Management Functional Plan.

Eleven jurisdictions had a deadline of December 31, 2014 to meet the requirements of the Regional Transportation Functional Plan. As described below and in Appendix D, two of these jurisdictions have requested extensions until 2015. Two have requested an extension to 2016. Two have requested an extension to 2017. All six of these jurisdictions were found to meet one of the two criteria: 1) the city or county is making progress towards compliance; or 2) there is good cause for failure to meet the deadline for compliance. Therefore, all of these extensions have been granted by the Chief Operating Officer.

Five jurisdictions completed Transportation System Plan and development code updates in 2013 and are now in compliance with the RFTP: Forest Grove, Lake Oswego, Sherwood, Troutdale and Washington County.

## Metro Code Chapter 3.07 Urban Growth Management Functional Plan and Metro Code Chapter 3.08 Regional Transportation Functional Plan – March 2015

### Introduction

Metro Code 3.07.870 requires the Chief Operating Officer to submit the status of compliance by cities and counties with the requirements of the Metro Code Chapter 3.07 (Urban Growth Management Functional Plan) annually to the Metro Council. In an effort to better integrate land use and transportation requirements, this compliance report includes information on local government compliance with the Regional Transportation Functional Plan (Metro Code Chapter 3.08) as well as the Urban Growth Management Functional Plan (UGMFP).

### Overview

Per the Metro Code, the Chief Operating Officer (COO) may grant an extension request if a local government meets one of two criteria: 1) the city or county is making progress towards compliance; or 2) there is good cause for failure to meet the deadline for compliance.

By statute, cities and counties have two years following the date of acknowledgement of Metro's Regional Transportation Plan (RTP) dated November 24, 2011 to bring their Transportation System Plans (TSPs) into compliance with any new or changed regional requirements. However, Metro exercised its authority under the state's Transportation Planning Rule to extend city and county deadlines beyond the two-year statutory deadline. Metro consulted with each city and county to determine a reasonable timeline for this work and adopted a schedule that is available on Metro's website at [www.oregonmetro.gov/tsp](http://www.oregonmetro.gov/tsp). The deadlines are phased to take advantage of funding opportunities and the availability of local and Metro staff resources.

Appendix A summarizes the compliance status for all local governments with the requirements of the Urban Growth Management Functional Plan (UGMFP) by the end of 2014.

Appendix B shows the status of Title 11 new urban area planning for areas added to the Urban Growth Boundary (UGB) since 1998.

Appendix C summarizes the compliance dates for each UGMFP title.

Appendix D summarizes the compliance dates for the Regional Transportation Functional Plan (RTFP) in effect as of December 31, 2014.

Appendix E is the Annual Report on Amendments to the Employment and Industrial Areas Map dated January 1, 2015.

### Urban Growth Management Functional Plan Compliance Status

**Washington County:** A February 2013 Intergovernmental Agreement between Washington County and the City of Beaverton identified the city to lead long-range planning

efforts in the Cooper Mountain area. The South Cooper Mountain Concept Plan area includes two subareas inside the UGB – North Cooper Mountain and South Cooper Mountain Annexation Area – and an urban reserve between those two areas located outside the Urban Growth Boundary. The City of Beaverton completed this work in 2014 and the Beaverton City Council adopted the Concept Plan in January 2015. Washington County has land use authority for the North Cooper Mountain area and the Washington County Board of Commissioners acknowledged the South Cooper Mountain Concept Plan on January 20, 2015. Washington County staff will carry forward the land use, natural resource and transportation proposals generated by the city in preparation for amending the county’s comprehensive plan documents which will be addressed during the 2015 land use ordinance season occurring annually between March 1 and October 31.

### Regional Transportation Functional Plan Compliance Status

Eleven jurisdictions had the deadline of December 31, 2014 to meet the requirements of the Regional Transportation Functional Plan. As described below and in Appendix D, two of these jurisdictions have requested extensions until 2015. Two have requested an extension to 2016. Two have requested an extension to 2017. All six of these jurisdictions were found to meet one of the two criteria: 1) the city or county is making progress towards compliance; or 2) there is good cause for failure to meet the deadline for compliance. Therefore, all of these extensions were granted by the Chief Operating Officer.

Five jurisdictions completed Transportation System Plan and development code updates and are now in compliance with the RTFP: Forest Grove, Lake Oswego, Sherwood, Troutdale and Washington County.

#### Jurisdictions with 2014 deadlines that requested extensions until 2015

Happy Valley: The City of Happy Valley has obtained an Oregon Transportation Growth Management (TGM) grant to complete its TSP update. The City has selected a consultant, prepared a work plan and held its first TSP Technical Advisory Committee (TAC) meeting.

West Linn: The City of West Linn has obtained a TGM grant to complete its TSP update. The City has selected a consultant and has held its first TAC meeting. The TSP is currently in the existing conditions and potential solutions phase.

#### Jurisdictions with 2014 deadlines that requested extensions until 2016

Portland: The City of Portland Bureau of Transportation Policy team has made substantial progress on its TSP update and has substantial work still to be completed. Below is a summary of what has been completed or is underway and what remains to be completed.

#### Completed/Underway

- Project team in place.
- Transportation Expert Group (agency and public advisory group) in place.
- Senior management, Bureau Commissioner and Planning & Sustainability Commission briefed on key issues and schedule.
- Project and program candidate list updated and posted to interactive web map.
- Outcome-based project and program evaluation criteria developed, vetted and tested.

- Draft transportation policies released for public comment in comprehensive plan.
- Updated revenue projections.
- Public Involvement Plan drafted.
- Public Involvement started with key stakeholder groups.
- Phase 1 modeling completed (2010 RTP plus proposed land use changes) and modeling technical advisory committee in place.
- Project and program scoring based on evaluation criteria has begun.

#### To Be Completed

- Implement remaining elements of Public Involvement Plan.
- Finish project and program scoring based on evaluation criteria (includes public support and/or opposition).
- Finalize revenue projections, establish financially constrained budget, and match to projects and programs.
- Conduct Phase 2 and Phase 3 system and corridor performance modeling.
- Proposed financially constrained project/program list for public comment and Planning & Sustainability Commission recommendation to the City Council.
- Propose project/program study list.
- Finalize comprehensive plan transportation policies.
- Propose Transportation System Plan policies.
- City Council hearings and adoption.

Wood Village: All comprehensive plan policies and local implementing ordinances were revised and updated in the TSP update in May of 2012 and adopted following all appropriate land use hearings in June 2012. Work completed at the time did not include required performance measures, integration of a street plan, or the creation of a capital investment strategy due to the pending completion of the East Metro Connections Plan. With that work completed, the City pursued a TGM grant to complete its TSP. The City has been awarded the funding and anticipates completing the work in early 2016.

#### Jurisdictions with 2014 deadlines that requested extensions until 2017

Damascus: The City of Damascus' charter requires any ordinance or plan that will be submitted to LCDC, DLCD or Metro, to be submitted to the voters. A comprehensive plan has yet to pass a vote of the people, therefore the City of Damascus does not have an adopted comprehensive plan or TSP with which to demonstrate compliance with the RTFP. On November 4, 2014 the voters rejected the city's latest proposed comprehensive plan. Another comprehensive plan is scheduled for the March 2015 ballot. Per the city charter, a double majority is needed for the plan to pass in March. In the event this plan also fails, the City is requesting an extension until December 31, 2017 to allow time for the city and the people of Damascus to develop and pass a new comprehensive plan

Multnomah County: Multnomah County's TSP includes planning for urban unincorporated pockets, which will be completed in partnership with the City of Portland. The county requested more time until the city has completed its own TSP and focus staff resources on the urban unincorporated pockets. The county's urban roads are also addressed in TSP updates for the cities of Fairview, Troutdale and Wood Village, and the City of Gresham for the Pleasant Valley and Springwater Corridor Plan Areas. The county coordinates with the cities on their TSPs as part of compliance with the RTP. The cities of Gresham and Troutdale



have recently completed their TSP updates and are in compliance with the RFTP. The county will continue working with the cities of Wood Village and Fairview, both of which have received TGM grants, to complete their TSP work. The county will also amend its Comprehensive Framework Plan Transportation Elements as part of RTP compliance as part of the two-year County Comprehensive Plan Update process that the county kicked off in November 2014.

## APPENDIX A

### Summary of Compliance Status as of December 31, 2014 (Functional Plan effective 1/18/12)

<b>City/ County</b>	<b>Title 1 Housing Capacity</b>	<b>Title 3 Water Quality &amp; Flood Management</b>	<b>Title 4 Industrial and other Employment Land</b>	<b>Title 6<sup>1</sup> Centers, Corridors, Station Communities &amp; Main Streets</b>	<b>Title 7 Housing Choice</b>	<b>Title 11 Planning for New Urban Areas</b> <small>(see Appendix B for detailed information)</small>	<b>Title 13 Nature in Neighborhoods</b>
Beaverton	In compliance	In compliance	In compliance	See footnote	In compliance	In compliance	In compliance
Cornelius	In compliance	In compliance	In compliance	See footnote	In compliance	In compliance	In compliance
Damascus	Not in compliance	Not in compliance	Not in compliance	See footnote	Not in compliance	Not in compliance	Not in compliance
Durham	In compliance	In compliance	In compliance	See footnote	In compliance	Not applicable	In compliance
Fairview	In compliance	In compliance	In compliance	See footnote	In compliance	Not applicable	In compliance
Forest Grove	In compliance	In compliance	In compliance	See footnote	In compliance	In compliance	In compliance
Gladstone	In compliance	In compliance	In compliance	See footnote	In compliance	Not applicable	In compliance
Gresham	In compliance	In compliance	In compliance	See footnote	In compliance	In compliance	In compliance
Happy Valley	In compliance	In compliance	In compliance	See footnote	In compliance	In compliance	In compliance
Hillsboro	In compliance	In compliance	In compliance	See footnote	In compliance	In compliance	In compliance
Johnson City	In compliance	In compliance	In compliance	See footnote	In compliance	Not applicable	In compliance
King City	In compliance	In compliance	In compliance	See footnote	In compliance	In compliance	In compliance
Lake Oswego	In compliance	In compliance	Pending final city action	See footnote	In compliance	Not applicable	Currently amending code to be in compliance
Maywood Park	In compliance	In compliance	In compliance	See footnote	In compliance	Not applicable	In compliance
Milwaukie	In compliance	In compliance	In compliance	See footnote	In compliance	Not applicable	In compliance
Oregon City	In compliance	In compliance	In compliance	See footnote	In compliance	In compliance	In compliance

<sup>1</sup> Once acknowledged by LCDC, Title 6 will be an incentive approach and only those local governments wanting a regional investment (currently defined as a new high-capacity as a new high-capacity transit line) will need to comply.

<b>City/ County</b>	<b>Title 1 Housing Capacity</b>	<b>Title 3 Water Quality &amp; Flood Management</b>	<b>Title 4 Industrial and other Employment Land</b>	<b>Title 6<sup>1</sup> Centers, Corridors, Station Communities &amp; Main Streets</b>	<b>Title 7 Housing Choice</b>	<b>Title 11 Planning for New Urban Areas</b> <small>(see Appendix B for detailed information)</small>	<b>Title 13 Nature in Neighborhoods</b>
Portland	In compliance	In compliance	In compliance	See footnote	In compliance	In compliance	In compliance
Rivergrove	In compliance	In compliance	In compliance	See footnote	In compliance	Not applicable	In compliance
Sherwood	In compliance	In compliance	In compliance	See footnote	In compliance	Area 61 extended to 12/31/21*	In compliance
Tigard	In compliance	In compliance	In compliance	See footnote	In compliance	In compliance.	In compliance
Troutdale	In compliance	In compliance	In compliance	See footnote	In compliance	Not applicable	In compliance
Tualatin	In compliance	In compliance	In compliance	See footnote	In compliance	Basalt Creek extended to 9/30/2016	In compliance
West Linn	In compliance	In compliance	In compliance	See footnote	In compliance	Not applicable	In compliance
Wilsonville	In compliance	In compliance	In compliance	See footnote	In compliance	East Wilsonville Extended to 12/31/2015; Basalt Creek extended to 9/30/2016	In compliance
Wood Village	In compliance	In compliance	In compliance	See footnote	In compliance	Not applicable	In compliance
Clackamas County	In compliance	In compliance	In compliance	See footnote	In compliance	Not applicable	In compliance
Multnomah County	In compliance	In compliance	In compliance	See footnote	In compliance	In compliance	In compliance
Washington County	In compliance	In compliance	In compliance	See footnote	In compliance	Cooper Mountain not in compliance	In compliance

\*The City of Tualatin requested that the City of Sherwood take over concept planning for Area 61 Title 11 planning in 2012.

<sup>1</sup> Once acknowledged by LCDC, Title 6 will be an incentive approach and only those local governments wanting a regional investment (currently defined as a new high-capacity as a new high-capacity transit line) will need to comply.

**APPENDIX B**  
**TITLE 11 NEW AREA PLANNING COMPLIANCE**  
**(As of December 31, 2014)**

<b>Project</b>	<b>Lead Government(s)</b>	<b>Compliance</b>	<b>Status</b>
<b>1998 UGB Expansion</b>			
Rock Creek Concept Plan	Happy Valley	Yes	Concept plan and implementation measures completed; development on-going.
Pleasant Valley Concept Plan	Gresham and Portland	Yes	Concept plan and implementation measures completed; city annexed 524 acres and development to begin in eastern section.
<b>1999 UGB Expansion</b>			
Witch Hazel Community Plan	Hillsboro	Yes	Concept plan and implementation measures completed; development on-going.
<b>2000 UGB Expansion</b>			
Villebois Village	Wilsonville	Yes	Concept plan and implementation measures completed; development on-going.
<b>2002 UGB Expansion</b>			
Springwater Community Plan	Gresham	Yes	Concept plan and implementation measures completed for this mostly industrial area; waiting annexation & development.
Damascus/Boring Concept Plan	Happy Valley	Yes	HV portion: Concept plan and implementation measures completed; waiting annexation and development.
	Damascus	No	Damascus portion: City out of compliance with DLCD order; City out of compliance with Functional Plan extension and CET extension.
	Gresham	Yes	Gresham portion, called Kelley Creek Headwaters Plan, was adopted by city in 2009.
Park Place Master Plan	Oregon City	Yes	Concept plan and implementation measures completed; waiting annexation & development
Beavercreek Road	Oregon City	Yes	Concept plan completed and accepted by Metro.
South End Road	Oregon City	Yes	Concept plan and implementation measures completed.
East Wilsonville (Frog Pond area)	Wilsonville	Extension to 12/31/15	CPDG grant awarded in 2013. Planning for area currently underway with completion projected for Spring 2015.
NW Tualatin Concept Plan (Cipole Rd & 99W)	Tualatin	yes	Concept plan and implementation measures completed for this small industrial area.
SW Tualatin Concept Plan	Tualatin	yes	Concept plan and implementation measures completed for this industrial area.
Brookman Concept Plan	Sherwood	yes	Concept Plan and implementation measures completed; waiting development
Study Area 59	Sherwood	yes	Concept plan and implementation measures completed; school constructed.
Study Area 61 (Cipole Rd)	Sherwood	Extension to 12/31/2021	Extension agreement – planning shall be completed when Urban Reserve 5A is completed, or by 12/31/2021, whichever is sooner.
99W Area (near Tualatin-Sherwood Rd)	Sherwood	Yes	Concept plan and implementation measures completed.
King City	King City	Yes	Concept plan and implementation measures completed; annexed to city with portion developed as park and rest in floodplain.

<b>Project</b>	<b>Lead Government(s)</b>	<b>Compliance</b>	<b>Status</b>
Cooper Mountain area	Washington County	No	Planning completed January 2015. Work program pending.
Study Area 64 (14 acres north of Scholls Ferry Rd)	Beaverton	Yes	Concept plan and implementation measures completed; annexed to City.
Study Area 69 & 71	Hillsboro	Yes	Areas are included in South Hillsboro Area Plan. City has adopted these areas into its comprehensive plan; upon annexation, they will be zoned to comply with comp plan.
Study Area 77	Cornelius	Yes	Concept plan and implementation measures completed; annexed to City.
Forest Grove Swap	Forest Grove	Yes	Concept plan and implementation measures completed; annexed to City.
Shute Road Concept Plan	Hillsboro	Yes	Concept plan and implementation measures completed; annexed to City and portion developed with Genentech.
North Bethany Subarea Plan	Washington County	Yes	Concept plan and implementation measures completed; annexations underway with development occurring.
Bonny Slope West Concept Plan (Area 93)	Multnomah County	Extension to 6/2/21 or 2 yrs after agreement w/other govt, whichever earlier	Undertaking planning for area with completion expected in Fall 2015.
<b>2004/2005 UGB Expansion</b>			
Damascus area	Damascus	See under 2002 above	Included with Damascus comprehensive plan (see notes above).
Tonquin Employment Area	Sherwood	Yes	Concept plan and implementation measures completed.
Basalt Creek/West RR Area Concept Plan	Tualatin and Wilsonville	Extension to 9/30/16	Planning underway. Completion expected Winter 2015
<b>Project</b>	<b>Lead Government(s)</b>	<b>Compliance</b>	<b>Status</b>
N. Holladay Concept Plan	Cornelius	Yes	Concept plan completed; implementation to be finalized after annexation to City.
Evergreen Concept Plan	Hillsboro	Yes	Concept plan and implementation measures completed.
Helvetia Concept Plan	Hillsboro	Yes	Concept plan and implementation measures completed.
<b>2011 UGB Expansion</b>			
North Hillsboro	Hillsboro	Yes	Concept planning completed. Awaits annexation to city.
South Hillsboro	Hillsboro	Yes	Concept planning completed. Awaits annexation to city.
South Cooper Mountain	Beaverton	Yes	Concept planning completed January 2015.
Roy Rogers West (River Terrace)	Tigard	Yes	See West Bull Mountain.

**APPENDIX C  
COMPLIANCE DATES FOR THE  
URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN**

<b>Functional Plan Requirement</b>	<b>When Local Decisions Must Comply</b>		
	<b>Plan/Code Amendment</b> 3.07.810(C) <sup>1</sup>	<b>Land Use Decision</b> 3.07.810(D) <sup>2</sup>	<b>Adoption</b> 3.07.810(B) <sup>3</sup>
<b>Title 1:</b> Adopt minimum dwelling unit density (3.07.120.B)	12/21/2013	12/21/2013	12/21/2014
<b>Title 1:</b> Allow accessory dwelling unit in SFD zones (3.07.120.G) <i>(provision included in previous version of Metro Code as 3.07.140.C)</i>	12/8/2000		12/8/2002
<b>Title 3:</b> Adopt model ordinance or equivalent and map or equivalent (3.07.330.A)	12/8/2000		12/8/2002
<b>Title 3:</b> Floodplain management performance standards (3.07.340.A)	12/8/2000	12/8/2001	12/8/2002
<b>Title 3:</b> Water quality performance standards (3.07.340.B)	12/8/2000	12/8/2001	12/8/2002
<b>Title 3:</b> Erosion control performance standards (3.07.340.C)	12/8/2000	12/8/2001	12/8/2002

<sup>1</sup> After one year following acknowledgment of a UGMFP requirement, cities and counties that amend their plans and land use regulations shall make such amendments in compliance with the new functional plan requirement.

<sup>2</sup> A city or county that has not yet amended its plan to comply with a UGMFP requirement must, following one year after acknowledgement of the requirement (the date noted), apply the requirement directly to land use decisions

<sup>3</sup> Cities and counties must amend their plans to comply with a new UGMFP requirement within two years after acknowledgement of the requirement (the date noted)

<b>Functional Plan Requirement</b>	<b>When Local Decisions Must Comply</b>		
	<b>Plan/Code Amendment</b> 3.07.810(C) <sup>1</sup>	<b>Land Use Decision</b> 3.07.810(D) <sup>2</sup>	<b>Adoption</b> 3.07.810(B) <sup>3</sup>
<b>Title 4:</b> Limit uses in Regionally Significant Industrial Areas  (3.07.420)	7/22/2005	7/22/2006	7/22/2007
<b>Title 4:</b> Prohibit schools, places of assembly larger than 20,000 square feet, or parks intended to serve people other than those working or residing in the area in Regional Significant Industrial Areas  (3.07.420D)	12/21/2013	12/21/2013	12/21/2014
<b>Title 4:</b> Limit uses in Industrial Areas  (3.07.430)	7/22/2005	7/22/2006	7/22/2007
<b>Title 4:</b> Limit uses in Employment Areas  (3.07.440)	7/22/2005	7/22/2006	7/22/2007
<b>Title 6:</b> (Title 6 applies only to those local governments seeking a regional investment or seeking eligibility for lower mobility standards and trip generation rates)	12/21/12	12/21/13	12/21/14
<b>Title 7:</b> Adopt strategies and measures to increase housing opportunities  (3.07.730)			6/30/2004
<b>Title 8:</b> Compliance Procedures (45-day notice to Metro for amendments to a comprehensive plan or land use regulation)  (3.07.820)	2/14/2003		
<b>Title 11:</b> Develop a concept plan for urban reserve prior to its addition to the UGB  (3.07.1110)	N/A	N/A	N/A

<b>Functional Plan Requirement</b>	<b>When Local Decisions Must Comply</b>		
	<b>Plan/Code Amendment</b> 3.07.810(C) <sup>1</sup>	<b>Land Use Decision</b> 3.07.810(D) <sup>2</sup>	<b>Adoption</b> 3.07.810(B) <sup>3</sup>
<b>Title 11:</b> Prepare a comprehensive plan and zoning provisions for territory added to the UGB  (3.07.1120)	12/8/2000	12/8/2001	2 years after the effective date of the ordinance adding land to the UGB unless the ordinance provides a later date
<b>Title 11:</b> Interim protection for areas added to the UGB  (3.07.1130) <i>(provision included in previous version of Metro Code as 3.07.1110)</i>	12/8/2000	12/8/2001	12/8/2002
<b>Title 12:</b> Provide access to parks by walking, bicycling, and transit  (3.07.1240.B)			7/7/2005
<b>Title 13:</b> Adopt local maps of Habitat Conservation Areas consistent with Metro-identified HCAs  (3.07.1330.B)	12/28/2005	1/5/2008	1/5/2009
<b>Title 13:</b> Develop a two-step review process (Clear & Objective and Discretionary) for development proposals in protected HCAs  (3.07.1330.C & D)	12/28/2005	1/5/2008	1/5/2009
<b>Title 13:</b> Adopt provisions to remove barriers to, and encourage the use of, habitat-friendly development practices  (3.07.1330.E)	12/28/2005	1/5/2008	1/5/2009





## APPENDIX D

### Summary of Compliance Status for 2014

#### (Regional Transportation Functional Plan in effect as of 12/31/12)

<b>Jurisdiction</b>	<b>Title 1 Transportation System Design</b>	<b>Title 2 Development and Update of Transportation System Plans</b>	<b>Title 3 Transportation Project Development</b>	<b>Title 4 Regional Parking Management</b>	<b>Title 5 Amendment of Comprehensive Plans</b>
Beaverton	In compliance	In compliance	In compliance	In compliance	In compliance
Cornelius	12/31/16	12/31/16	12/31/16	12/31/16	12/31/16
Damascus	12/31/17	12/31/17	12/31/17	12/31/17	12/31/17
Durham	Exempt	Exempt	Exempt	Exempt	Exempt
Fairview	12/31/15	12/31/15	12/31/15	12/31/15	12/31/15
Forest Grove	In compliance	In compliance	In compliance	In compliance	In compliance
Gladstone	12/31/15	12/31/15	12/31/15	12/31/15	12/31/15
Gresham	In compliance	In compliance	In compliance	In compliance	In compliance
Happy Valley	12/31/14	12/31/14	12/31/14	12/31/14	12/31/14
Hillsboro	12/31/15	12/31/15	12/31/15	12/31/15	12/31/15
Johnson City	Exempt	Exempt	Exempt	Exempt	Exempt
King City	Exempt	Exempt	Exempt	Exempt	Exempt
Lake Oswego	In compliance	In compliance	In compliance	In compliance	In compliance
Maywood Park	Recommending exemption	Recommending exemption	Recommending exemption	Recommending exemption	Recommending exemption
Milwaukie	In compliance	In compliance	In compliance	In compliance	In compliance
Oregon City	In compliance	In compliance	In compliance	In compliance	In compliance
Portland	12/31/16	12/31/16	12/31/16	12/31/16	12/31/16
Rivergrove	Exempt	Exempt	Exempt	Exempt	Exempt
Sherwood	In compliance	In compliance	In compliance	In compliance	In compliance
Tigard	In compliance	In compliance	In compliance	In compliance	In compliance
Troutdale	In compliance	In compliance	In compliance	Exception	In compliance
Tualatin	In compliance	In compliance	In compliance	In compliance	In compliance
West Linn	12/31/15	12/31/15	12/31/15	12/31/15	12/31/15
Wilsonville	In compliance	In compliance	In compliance	In compliance	In compliance
Wood Village	12/31/16	12/31/16	12/31/16	12/31/16	12/31/16
Clackamas County	In compliance	In compliance	In compliance	In compliance	In compliance
Multnomah County	12/31/17	12/31/17	12/31/17	12/31/17	12/31/17
Washington County	In compliance	In compliance	In compliance	In compliance	In compliance

*Date shown in table is the deadline for compliance with the Regional Transportation Functional Plan (RTFP). Note – a city or county that has not yet amended its plan to comply with the RTFP must, following one year after RTFP acknowledgement, apply the RTFP directly to land use decisions.*





## Metro | Memo

Date: January 1, 2015  
To: Metro Council, MPAC  
From: Martha Bennett, Chief Operating Officer  
Subject: 2014 annual report on amendments to the Employment and Industrial Areas Map

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### Background

Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan seeks to improve the region's economy by protecting a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas, Industrial Areas, and Employment Areas. Those areas are depicted on the Employment and Industrial Areas Map.

Title 4 sets forth several avenues for amending the map, either through a Metro Council ordinance or through an executive order, depending on the circumstances. Title 4 requires that, by January 31 of each year, Metro's Chief Operating Officer submit a written report to the Council and MPAC on the cumulative effects on employment land in the region of amendments to the Employment and Industrial Areas Map during the preceding year. This memo constitutes the report for 2014.

### Title 4 map amendments in 2014

During 2014, the Oregon Legislature added land to the Metro urban growth boundary (UGB) under HB 4078. The Metro Council subsequently designated 830 of those acres as Title 4 lands. Those additions and their Title 4 designations are as follows:

Area added to UGB	Acres	Title 4 designation
Urban Reserve 7B Forest Grove	240	Employment
Urban Reserve 7E Forest Grove	38	Industrial
Urban Reserve 8A Hillsboro	552	Industrial
<b>TOTAL</b>	<b>830</b>	

### Chief Operating Officer recommendations for 2014

Staff does not, at this time, recommend changes to Title 4 policies.





Ready to  
bring your  
storefront  
to life?



Time to  
transform  
your  
district?

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

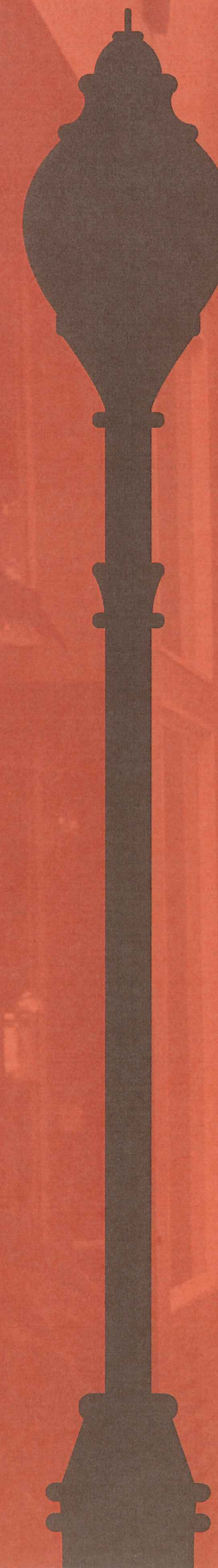
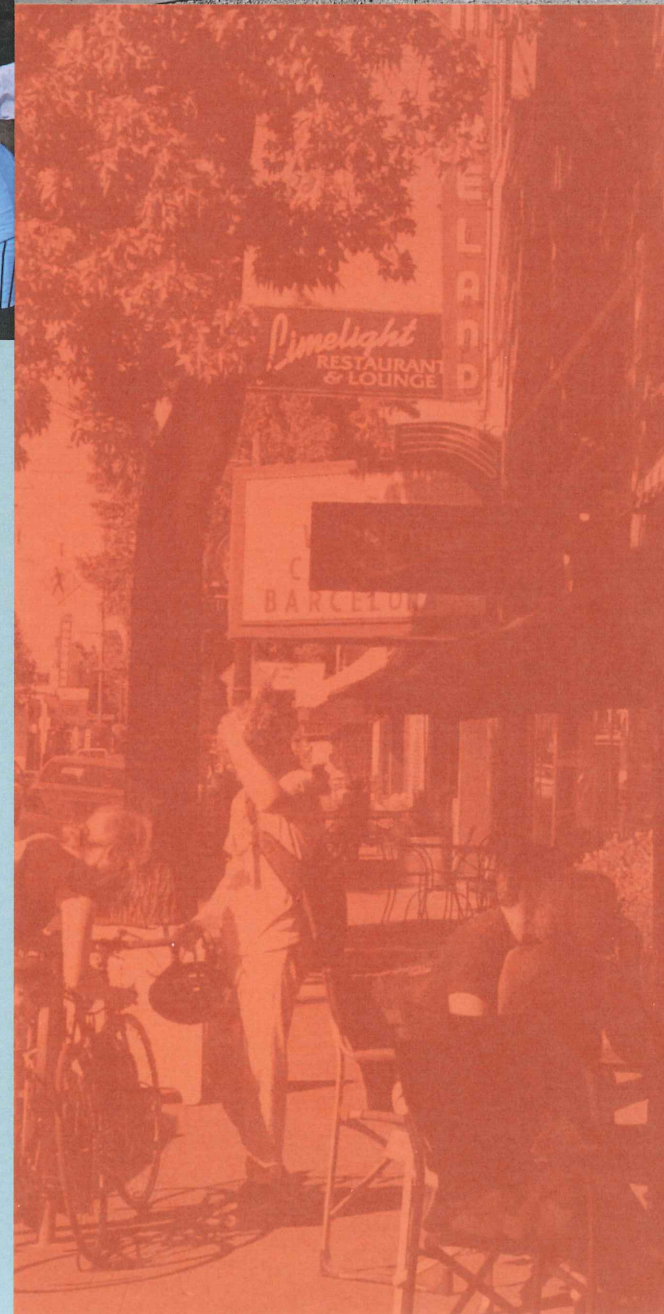
ENTERPRISING PLACES invests to build the thriving downtowns and main streets envisioned in the Portland metropolitan region's long-range plan. Metro grants leverage local investments to make great places that endure for generations to come.

**Questions?** Call 503.797.1877 or email [enterprisingplaces@oregonmetro.gov](mailto:enterprisingplaces@oregonmetro.gov)



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and community thrive

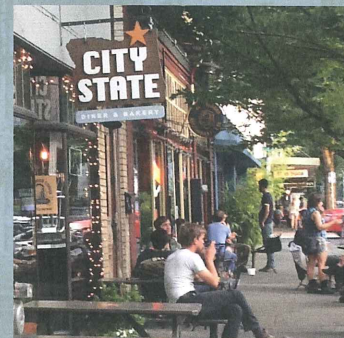




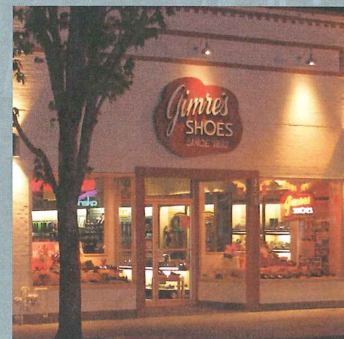


# PLACES ENTERPRISING

Enterprising Places grants help emerging commercial districts across the region fulfill their promise as treasured destinations and economic engines.



Bring us your ideas for transforming your local business, commercial property, downtown or neighborhood main street. For complete details and eligible locations visit [oregonmetro.gov/enterprisingplaces](http://oregonmetro.gov/enterprisingplaces)



## DYNAMIC DISTRICTS COMMUNITIES THAT PROSPER

### STOREFRONT IMPROVEMENT

Considering some upgrades to your storefront? We offer matching grants of up to \$50,000 to help property and business owners:

- Enhance storefronts to boost visibility and welcome customers
- Renovate building facades to attract and retain strong tenants
- Upgrade business signs and lighting
- Build community pride, vitality and prosperity

### DISTRICT TRANSFORMATION

Want to help create a brighter outlook for your district? We offer grants of up to \$10,000 to help communities:

- Recruit and cultivate successful retail businesses
- Position commercial districts to attract new visitors and customers
- Fund transformational improvements that make your district distinctive
- Fill vacant storefronts or bring dead urban spaces to life
- Provide specialized training to help businesses and property owners invest strategically
- Support local groups and individuals implementing positive change





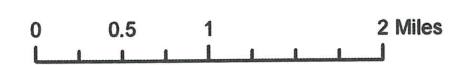
# Columbia River Drainage Districts



- Legend**
- Drainage Districts**
- Multnomah County Drainage District #1
  - Peninsula Drainage District #1
  - Peninsula Drainage District #2
  - Sandy Drainage Improvement Company

- Levee Type**
- Levee
  - Embankment
  - City Boundaries

Source: Base map aerial photography from Metro RLIS service (2010) and ESRI ArcGIS Online. City boundaries, roads, rivers, and airports from Metro RLIS. Levee lines and drainage district boundaries from data layers maintained by MCDD.



[www.mcdd.org](http://www.mcdd.org) p. 503.281.5675

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## **PORTLAND REGION POSITION ON FEDERAL TRANSPORTATION POLICY AND FUNDING**

Investment in a multi-modal transportation system is important for the region, the state and the nation to reach its goals for economic growth and prosperity, community livability and environmental sustainability and to ensure there is an equitable ability of all members of the community to benefit. The federal transportation program is important to contribute toward taking care of aging infrastructure, increasing global competitiveness and addressing sustainability and resilience to earthquakes and extreme weather events.

In particular, the "2014 Economic Impacts of Congestion" documents the dependence of the economy of Oregon and the Portland region on a transportation system that moves goods, provides access to labor and increases productivity. Because Oregon and the Portland region are heavily dependent upon trade, growing congestion poses a significant threat. Without adequate investment, the share of daily travel operating in congested conditions will rise from 5% to 15% by 2040 leading to the average household experiencing 69 hours of travel per year in congestion. Further, investing in improvements to reduce congestion will provide \$1.1 billion in economic benefits and provide \$2.40 in return on investment for every \$1 of expenditure on improvements.

At the same time, the state has adopted aggressive targets for reducing greenhouse gases and the Portland region has adopted a plan that meets those targets, serving as a model for the country. Improvement in fuel efficiency and increased use of electric vehicles will not enable the region to reach desired greenhouse gas reduction targets and increased investment in transportation is essential.

Finally, failure to begin systematically strengthening the state's transportation infrastructure to withstand the impact of a Cascadia subduction zone earthquake would lead to catastrophic impact on the economy and a very long period of recovery.

Accomplishing these goals requires commitment at the federal, state and local levels. The state and local governments have stepped up substantially to increase their level of investment and are aggressively pursuing further increases. However, the federal government has not stepped up and the overall share of investment by the federal government is shrinking as a percent of the total.

With this in mind, the following are the key policy messages from the Portland region to our Congressional delegation.

### **INCREASE INVESTMENT**

- Substantially increase the level of federal investment in all parts of the multi-modal surface transportation system, preferably with some form of highway user fees and with a renewed expression of commitment through addition to the Highway Trust Fund. This is the foundation of the federal highway program, providing the certainty and stability of formula funds for highways, roads and streets to each state and metropolitan area.

- The region specifically supports the proposal by Congressman Blumenauer to increase and index the gas tax and the proposal by Congressman DeFazio to adopt a tax on each barrel of crude oil. Both approaches continue the long standing federal practice of funding transportation through user fees in recognition of those that benefit paying the fees. The region further supports Congressman Blumenauer's proposal to sunset the gas tax to encourage conversion to a mileage based fee and to expand the application of Road User Charge pilot projects to more states to increase the understanding and awareness of this approach.
- With an increased commitment of funding resources, adopt a 5-6 year authorization bill to provide certainty and stability to the planning, engineering and programming process.
- If there is not an increased funding commitment, maintain status quo levels (with a modest allowance for inflation) and limit the authorization bill to a two-year period.

#### **EXPANDED POLICY INTENT**

With an increase in funding and 5-6 year certainty, it is feasible to expand the scope of the federal transportation program and invest in matters that need increased attention.

**MAP-21 Framework** – MAP-21, adopted in 2012, restructured the federal highway and transit programs and provides an effective platform to build upon.

- Continue the TIGER program at the \$500-600 million per year level and incorporate it into the Highway Trust Fund as an on-going part of the transportation program. The TIGER program has provided an important competitive funding source for innovative highway, transit bike and pedestrian projects and should be established on a reliable continuing basis.
- Consistent with the policy direction established through MAP-21, implement performance based planning and programming of funds to improve the transparency and accountability of decision-making. However, avoid a "one size fits all" approach and ensure performance metrics are comprehensive in nature covering not only measures of the condition and operation of the transportation facilities themselves but the community benefits that result such as safety, economic prosperity, affordability for the user, health, climate change and equity.
- Expand the federal ability to support transportation investment through better credit options including increased application of the TIFIA program.
- Consistent with MAP-21, continue the federal transportation investment in university research centers and programs.

**The administration's GROW America Act provides a framework to improve upon MAP-21.**

- Consistent with the GROW America Act introduced by USDOT, consider establishing additional categories of competitive grants. Competition reinforces local innovation leading to better transportation investments nationwide. In order for the region to be competitive for these funds, there will need to be greater investment of local resources to get projects shovel-ready.

- In recognition of the increased competition and expansion into Core Capacity projects, increase the funding commitment for the Fixed Guideway Capital Investment Grant Program (New Starts and Small Starts programs).
- Relax limitations on the use of tolls for both raising revenue to fund maintenance and improvement of the transportation system and peak period demand management.
- Continue to expand the focus on freight by establishing funding for formula and competitive grant programs as well as funding for Projects of National and Regional Significance, but ensure freight is addressed in a multi-modal manner including urban and intercity trucking, rail, marine, air cargo and intermodal connections.
- Increase the level of investment in and the certainty of funds for passenger rail service through inclusion of the program in the Trust Fund.
- There is a proposal in the DOT bill to revise the criteria for US Coast Guard permitting of a new bridge over navigable waters to also take into consideration the needs of rail, aviation, transit and highway traffic. This may be important for any possible future replacement for the Interstate Bridge.

**But further enhancements to the program should be considered.**

- Restore the Highway Bridge Replacement and Rehabilitation Program which was eliminated through MAP-21 and ensure the program eligibility includes seismic retrofits.
- Clarify language for FTA sponsored joint development projects directing that they are intended to both provide for an economic return on the transit investment and produce more economically and socially successful communities as a result of the transit investment.
- Add an emphasis on improved access to employers and funding for “last mile” access.
- Increase the suballocation of funds to metropolitan planning organizations.
- Continue to pursue methods of streamlining federal requirements to speed up project delivery while maintaining the requirements for intergovernmental cooperation, community involvement, inclusion and equity and environmental impact.
- Renew the Commuter Parity Act providing comparable tax benefits to transit users as auto commuters.
- Expand the emphasis on safety including reduced serious injuries and deaths across all modes and on all parts of the transportation system. Establish separate safety targets for bike and pedestrian modes.

**PROJECT ACTIVITIES** - Certain projects are significantly impacted by the administrative practices of the federal agencies. Although Congress has eliminated the option of Congressional directive through earmarks, intervention to provide support from the delegation may be needed on certain projects.

- The Southwest Corridor and the Powell Division Corridors are progressing through the federal New Starts/Small Starts process with considerable FTA oversight.

- Passenger rail improvement between Eugene, Portland, Seattle and Vancouver BC is being pursued by Oregon, Washington and the Province of British Columbia. The scope of upgrade in Oregon is now under consideration in a Draft Environmental Impact Statement with considerable oversight by FRA.
- FHWA has solicited from each state nominations for projects that might be eligible for a new “Projects of National and Regional Significance” funding category. This region has submitted the following:
  - I-5/Rose Quarter
  - I-205 from the Abernathy Bridge to Stafford interchange
  - Phase 2 of the Sunrise Corridor from 122<sup>nd</sup> to 172<sup>nd</sup>
  - Hwy 217 and I-5 from Beaverton-Hillsdale Highway to Lower Boones Ferry RoadAs the authorization bill evolves through the Congress, it will be important to ensure this funding category maintains this eligibility. While this source of funding is not sufficient to complete these projects, it could provide a vital contribution.
- The region is targeting significant redevelopment around light rail and street cars stations which often involves significant FTA oversight. It is important to the region that investing in these sites be for the community goals of the area not just to capture the increased property value from the transit investment.
- There is currently a process underway with the US Army Corps of Engineers to consider alternative approaches for rehabilitation of the Locks at Willamette Falls and the reopening to public commercial and recreation service. This would enable the full length of the Willamette River to resume its historic function as an important route. Ensuring that the appropriation for the Army Corps of Engineers includes this effort is essential to successfully accomplishing the repair and reopening.



# DRAFT

## PROPOSED - Regional Transportation System Of Mutual Interest Definition & Funding Eligibility

		Regional Networks				Regional Investments					
System Tiers	Eligibility (Assumes new source of funding, with Regional and Local subsets)	Arterial & Throughway	Transit	Active Transportation	Freight	System Management	Demand Management	Safety	TBD	TBD	TBD
		All roads and streets classified as "Regional street" or higher in RTP hierarchy, unless otherwise included or excluded as noted below.	tbd	tbd	tbd	tbd	tbd	tbd			
State System	Eligible for funding through a new source only on a shared-cost agreement	* Projects included in Regional system, but listed by ODOT as being of "State Significance" * Unimproved "orphan highways" * Freeway expansion/modernization	tbd	tbd	tbd	tbd	Additional investment categories can be considered in this process, if desired.		tbd		
Regional System	Eligible for funding through a new source - Regional portion	Projects not included in the State System and classified in the RTP as: * Throughway * Arterial street	tbd	tbd	All sections of this matrix are open for discussion. But there are likely to be areas that participants can easily agree up front are appropriately defined and do not warrant further discussion. Once there is agreement on those areas, focus will move to discussing those areas that are in need of further detail work.		tbd	tbd			
Local System	Eligible for funding through a new source - Local portion	Projects that meet RTP guidance for connectivity to Regional System and classified as: * Collector street * Local street	tbd	tbd			tbd	tbd			
Local System	Ineligible	Projects that do not connect to Regional System and classified as: * Collector street * Local street	tbd	tbd	tbd	tbd	tbd	tbd			





Date: February 20, 2015  
To: JPACT Finance Committee and Interested Parties  
From: Ted Leybold, Resource Development Manager  
Dan Kaempff, Principal Transportation Planner  
Subject: DRAFT Framework for discussing definition of a Regionally Significant System

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At the January 15, 2015 meeting, the JPACT Finance Committee requested staff develop a proposed process for defining a regional transportation system of mutual funding interest. This system definition could then be used as a tool in gauging whether there is interest in pursuing new funding for the region.

Metro staff intend to hold a series of workshops with local staff and interested parties from across the region to develop a draft proposal for consideration at JPACT. Two or three workshops are anticipated, but more can be held if needed.

The attached matrix represents a draft concept of how to begin the discussion in the workshops. It is an initial proposal for narrowing down the RTP system definition to help regional leaders identify projects to be included in potential new sources of transportation funding. Based on Regional Transportation Plan system and network definitions, each of the networks is divided into tiers defining funding eligibility. The tiers are derived from network hierarchies and other identifying characteristics. Staff will provide examples to help illustrate the types of projects for each of the system tiers.

The base assumption in identifying these four tiers is the presence of new revenue, divided into regional and local share portions. (The revenue source(s) and manner in which funding is divided is to be determined and not in the scope of this exercise.) All projects funded from either the regional or local share portions would need to demonstrate connectivity or benefit to the system of mutual funding interest.

Staff is requesting your feedback and input on this approach.