

Metro | Agenda

Meeting: Metro Council
Date: Thursday, October 15, 2015
Time: 2 p.m.
Place: Metro Regional Center, Council Chamber

REVISED 10/15/15

CALL TO ORDER AND ROLL CALL

1. **CITIZEN COMMUNICATION**
2. **SPECIAL PRESENTATION: OREGON ZOO PUBLIC ART ADVISORY COMMITTEE'S SECOND ART COMMISSION** **Brent Shelby, Metro
Peggy Kendellen, RACC**
3. **CONSENT AGENDA**
 - 3.1 **Resolution No. 15-4642**, For the Purpose of Amending the 2015-18 Metropolitan Transportation Improvement Program (MTIP) to Include the Interstate 84/Interstate 5-Banfield Interchange Deck Overlay and Bridge Rail Retrofit Project and the Interstate 405 Fremont Bridge Approach Ramps Modular Joint Replacement Project
 - 3.2 **Resolution No. 15-4646**, For the purpose of amending the 2015-18 MTIP to reprogram the City of Milwaukie's OR99 E. Bridge at Kellogg Lake Project Surface Transportation Program (STP) funds of \$1,055,000 to their 17th Ave. Multi-Use Trail Project for construction
 - 3.3 **Resolution No. 15-4649**, For the Purpose of Amending the 2015-18 Metropolitan Transportation Improvement Program (MTIP) to Include the Amtrak Cascades Passenger Rail Service Operations and Maintenance Costs Project
 - 3.4 **Resolution No. 15-4652**, For the Purpose of Review and Approval of the Oregon Zoo Public Art Advisory Committee's Second Art Commission Recommendation
 - 3.5 **Resolution No. 15-4653**, For the Purpose of Confirming the Council President's Appointment of Damien Hall to the Metro Audit Committee

4. ORDINANCES (FIRST READ)

- 4.1 Ordinance No. 15-1367**, For the Purpose of Annexing to the Metro District Boundary Approximately 16 Acres Located at 26585 NW Evergreen Road, East of NE Sewell Avenue and West of NW 264th Avenue in North Hillsboro

Rebecca Hamilton, Metro

4.1.1 Public Hearing on Ordinance No. 15-1367

5. CHIEF OPERATING OFFICER COMMUNICATION

6. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for October 15, 2015 Metro Council meeting

Clackamas, Multnomah and Washington counties, and Vancouver, WA Channel 30 – Community Access Network <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 Call or visit web site for program times.	Portland Channel 30 – Portland Community Media <i>Web site:</i> www.pcmv.org <i>Ph:</i> 503-288-1515 Call or visit web site for program times.
Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 Call or visit web site for program times.	Washington County and West Linn Channel 30– TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 Call or visit web site for program times.
Oregon City and Gladstone Channel 28 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.	

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



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 - 3.5 **Resolution No. 15-4653**, For the Purpose of Confirming the Council President's Appointment of Damien Hall to the Metro Audit Committee
 - 3.6 **Consideration of Council Meeting Minutes on October 8, 2015**

4. ORDINANCES (FIRST READ)

- 4.1 Ordinance No. 15-1367**, For the Purpose of Annexing to the Metro District Boundary Approximately 16 Acres Located at 26585 NW Evergreen Road, East of NE Sewell Avenue and West of NW 264th Avenue in North Hillsboro

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Resolution No. 15-4642, For the Purpose of Amending the
2015-18 Metropolitan Transportation Improvement
Program (MTIP) to Include the Interstate 84/Interstate 5-
Banfield Interchange Deck Overlay and Bridge Rail Retrofit
Project and the Interstate 405 Fremont Bridge Approach
Ramps Modular Joint Replacement Project

Consent Agenda

Metro Council Meeting
Thursday, October 15, 2015
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE 2015-18)
METROPOLITAN TRANSPORTATION)
IMPROVEMENT PROGRAM (MTIP) TO)
INCLUDE THE INTERSTATE 84/INTERSTATE 5 –)
BANFIELD INTERCHANGE DECK OVERLAY)
AND BRIDGE RAIL RETROFIT PROJECT AND)
THE INTERSTATE 405 FREMONT BRIDGE)
APPROACH RAMPS MODULAR JOINT)
REPLACEMENT PROJECT)

RESOLUTION NO. 15-4642

Introduced by: “Chief Operating Officer
Martha Bennett in concurrence with
Council President Tom Hughes”

WHEREAS, the Metropolitan Transportation Improvement Program (MTIP) prioritizes projects from the Regional Transportation Plan to receive transportation related funding; and

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council approved the 2015-18 MTIP on July 31, 2014; and

WHEREAS, JPACT and the Metro Council must approve any subsequent amendments to add new projects or substantially modify existing projects in the MTIP; and

WHEREAS, JPACT and the Metro Council must approve bridge repair or replacement projects that exceed \$5 million dollars in project cost; and

WHEREAS, the Interstate 84/Interstate 5 – Banfield Interchange Deck Overlay and Bridge Rail Retrofit project, and the Interstate 405 – Fremont Bridge Approach Ramps Modular Joint Replacement project were approved by the Oregon Transportation Commission (OTC) to be included in the 2015-2018 Statewide Transportation Improvement Program (STIP) on April 16, 2015 as part of the State Bridge Program; and

WHEREAS, both projects are safety improvement projects, have no impact on vehicle capacity and are therefore exempt from needing to demonstrate conformity with the air quality emissions budget; and

WHEREAS, the Metro Joint Policy Advisory Committee on Transportation recommended approval on October 8, 2015; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT to formally amend the 2015-18 MTIP to include the Interstate 84/Interstate 5 – Banfield Interchange Deck Overlay and Bridge Rail Retrofit project, and the Interstate 405 – Fremont Bridge Approach Ramps Modular Joint Replacement project.

ADOPTED by the Metro Council this ____ day of _____ 2015.

Tom Hughes, Council President

Exhibit A to Resolution No. 15-4642

2015-18 Metropolitan Transportation Improvement Plan Chapter 5 Tables Amendment

Action: Amend MTIP to include the I-84/I-5 Banfield Interchange Deck Overlay and Bridge Rail Retrofit and the I-405 Fremont Bridge Approach Ramps Modular Joint Replacement projects.

Existing programming: None – New projects

Amended programming:

Project Name	Project Description	ODOT Key #	Lead Agency	Estimated Total Project Cost (all phases, all years)	Project Phase	Fund Type	Program Year	Federal Funding	Minimum Local (State) Match	Other Funds	Total Funding
I-84/I-5 Banfield Interchange Deck Overlay and Bridge Rail Retrofit project	Retrofit the deficient bridge rails on both structures with rails that meet safety standards, and place a concrete overlay in the decks to increase the friction and reduce vehicle impacts.	19531	ODOT	\$6,570,000	PE Cons	NHPP NHPP	2016 <u>2018</u> Total	\$1,014,420 <u>\$5,044,434</u> \$6,058,854	\$ 85,580 <u>\$425,566</u> \$511,146		\$6,570,000
I-405 Fremont Bridge Approach Ramps Modular Joint Replacement project	Replace the modular joints in six ramps with a modern design.	19533	ODOT	\$5,750,000	PE Cons	NHPP NHPP	2016 <u>2018</u> Total	\$1,383,300 <u>\$3,919,350</u> \$5,302,650	\$116,700 <u>\$330,650</u> \$447,350		\$5,750,000

Note:

1. NHPP = Federal National Highway Performance Program funds.
2. PE = Preliminary Engineering phase for the project.
3. Cons = Construction phase for the project.

STAFF REPORT

FOR THE PURPOSE OF AMENDING THE 2015-18 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO INCLUDE THE INTERSTATE 84/INTERSTATE 5 – BANFIELD INTERCHANGE DECK OVERLAY AND BRIDGE RAIL RETROFIT PROJECT AND THE INTERSTATE 405 FREMONT BRIDGE APPROACH RAMPS MODULAR JOINT REPLACEMENT PROJECT

Date: September 28, 2015

Prepared by: Ken Lobeck, 503-797-1785

BACKGROUND:

The MPO and the MTIP:

The Metropolitan Transportation Improvement Program (MTIP) is the federally mandated four-year schedule of expenditures of federal transportation funds as well as significant state and local funds in the Portland metropolitan region. The MTIP represents the first-four year implementation document of the long range Regional Transportation Plan (RTP). Development, management, updates, and amendments to the MTIP are the responsibility of the Metropolitan Planning Organization (MPO). The process of adding, removing, updating, or amending projects and their corresponding funding in the MTIP is called “programming”. Guidance governing the process to complete required project programming in the MTIP originates from 23 CFR Part 450, Section 324. The MPO is tasked to complete the periodic full update and needed amendments to the MTIP in accordance 23 CFR Part 450. Additional supplemental programming guidance is also developed between FHWA/FTA, and the MPO over time when programming clarifications are needed. Overall, the approved MTIP provides the following:

- The MTIP provides a financial four-year snapshot of how federal transportation funding is committed to specific projects, and their phases.
- The MTIP includes state and local funding that is committed as matching funds against the federal funds, or to regionally significant transportation projects in the region that may require federal approvals to implement.
- The MTIP provides the regional transportation investment picture and goals identified in the long-range RTP during the RTP’s first four years.
- The MTIP provides accountability of the federal transportation funding ensuring that the funds are used for their intended eligibility for the identified projects, phases, and project scope elements.
- The MTIP is the official document validating that the MPO and region has adhered to the programming rules of financial constraint reflecting that the fund programming does not exceed the annual fund apportionments or specific allocations.
- The MTIP provides the picture of unobligated federal funds allowing project lead agencies the ability to obligate and expend their awarded or allocated federal transportation funding.
- The MTIP through its complex programming process provides a confirmation that the region’s conformity finding achieved in the RTP is still correctly maintained ensuring that the region can continue receiving federal transportation funds.
- Metro as the MTIP manager acts as the conduit to complete required MTIP programming actions for agencies receiving federal transportation not managed directly by Metro, ensuring they can obligate and expend their funding in timely fashion.

- In air quality nonattainment and maintenance areas (and to a lesser degree in attainment areas), the MTIP is the source validation document as part of the NEPA record of decision (ROD) process ensuring the conformity requirements were completed, and the estimated project costs as stated in the environmental document are consistent with MTIP programming.

Metro's Management Role with the MTIP:

As the MPO, Metro has the responsibility to correctly develop and maintain the MTIP in accordance with all federal related programming regulations and guidelines. Without Metro's efforts to correctly develop, update, manage, and maintain the MTIP, the financial constraint finding, the conformity finding, or both could be revoked. If this were to occur, all agencies that receive federal transportation funding in the Metro region would not be able obligate and expend the awarded funding. Work to complete NEPA environmental documents for federally funded or federalized projects would stop. Project "Notice to Proceed (NTPs)" also could be halted until the financial constraint or conformity issue was resolved. Finally, under extreme situations, FHWA or FTA can revoke an MPO's or a specific agency's (as the direct recipient of federal transportation funds) ability to receive future federal transportation funding.

MTIP Formal and Administrative Amendments:

Approximately every three years, the MTIP receives a full update that includes system network re-modeling for conformity requirements. The MTIP update provides the next four-year "snap-shot" of how funding committed to the transportation system will be expended. A full MTIP update may occur in conjunction with the MPO's RTP update or separately as a formal amendment to the RTP. The next full MTIP update will occur in conjunction with the development of the 2018 RTP. In between MTIP updates, Metro as the MPO is authorized by FHWA and FTA to complete required project amendments to the MTIP. There are two types of MTIP amendments Metro is authorized to complete: Administrative and Formal Amendments.

MTIP Administrative and Formal Amendments:

Metro's 2015-2018 MTIP, Chapter 6, Table 6.1 outlines the differences between Administrative and Formal amendments that staff uses as a guide to complete the required programming actions. The short summary of Administrative and Formal MTIP amendments is as follows:

Administrative amendments involve minor "administrative-type" changes to projects that clearly demonstrate that no impact to financial constraint or the conformity finding is occurring as a result of the programming changed. Examples of changes allowed within administrative amendments include a minor description change to clarify project scope elements, a change to the lead agency that will obligate and expend the funds, and shifting funding between the project phases if the change is kept within the same programmed year. Since administrative amendments have no impact upon the existing financial constraint and conformity findings, they do not require FHWA approval and formal resolution/approval from Metro Council. Administrative amendments are approved by ODOT acting as the delegated approval arm on behalf of FHWA/FTA.

As the name suggests, Formal MTIP amendments require additional approval steps, documentation, plus formal resolution and approval by JPACT, and Metro Council. Formal amendments also require approval from FHWA/FTA. Formal amendments do not impact the conformity finding or financial constraint. However, Formal amendments must demonstrate through the documentation process and approval process that the conformity finding and financial constraint are maintained correctly. Table 6.1 in the MTIP outlines examples and exceptions between Administrative and Formal amendments. An example is a new preservation project on the Interstate Highway system where the funding exceeds \$5 million

dollars. The Administrative or Formal threshold for this project category is \$5 million. If a new project was requested to be added to the MTIP, and the total project cost in this example were \$6.5 million, and on the Interstate Highway system, then a Formal amendment is required to add the project to the MTIP per Table 6.1.

In the specific case of ODOT's new State Bridge Program projects that are seeking approval to be added to the MTIP as part of this agenda item, two projects exceed the maximum threshold of \$5 million dollars set in the MTIP Table 6.1 where the guidance states: (to qualify as an Administrative amendment) "Bridge repair or replacement projects – total project costs is less than \$5 million". Both the I-84/I-5 Banfield Interchange (at an estimated project cost of \$6,570,000) and I-405 Fremont Bridge (at an estimated cost of \$5,750,000) repair projects exceed the \$5 million threshold per Table 6.1. Therefore, the two require a Formal amendment to the MTIP.

The funding for ODOT's State Bridge Program projects as described in the following paragraphs are federal funds administered by ODOT. They are separate from Metro's Regional Flexible Fund Allocation (RFFA) program. Review and approval of ODOT's State Bridge Program and any necessary adjustments is accomplished by ODOT with final approval by the Oregon Transportation Commission (OTC). Once OTC has approved the State Bridge Program changes that require MTIP programming changes, Metro now acts as the conduit to complete the required MTIP programming adjustments so ODOT will be able to obligate and expend the federal funds. For the I-84/I-5 Banfield Interchange, I-405 Fremont Bridge, Oregon 224 (Highway 171) Bridge, and the Interstate 5/Oregon 217 project, the OTC approved the new projects and subsequent funding during April 2015. The following provides additional details about the four new ODOT bridge repair projects in the Metro region and the two requiring a formal amendment to the MTIP.

ODOT State Bridge Program:

ODOT's State Bridge Program is responsible for the development, implementation, operation, and maintenance of Oregon highway bridge system. The State Bridge Program utilizes a bridge management system to track conditions of all state bridges and utilizes this information to help prioritize bridge maintenance work. Projects are originally identified for funding dedicated to bridge projects during the regular STIP cycle. If more money than forecasted or cost savings from existing projects becomes available between funding cycles, the State Bridge Program may identify new priority projects to ensure available funds are obligated and not subject to rescission by the Federal Highway Administration for redistribution to projects in other states.

During March 2015, the ODOT State Bridge Program approved one scope change to an existing State Bridge Program project and eleven new bridge maintenance/repair projects to be included in the 2015-2018 Statewide Transportation Improvement Program (STIP). The Oregon Transportation Commission (OTC) approved the new bridge repair projects to be included in the STIP on April 16, 2015. Four of the eleven new projects are located in the Metro region. All four projects are required to be programmed in the MTIP in order for the projects to be authorized to obligate and expend their awarded funds. Funding for the all twelve projects is from cost savings from two other State Bridge Program projects. The four projects in the Metro region include the following:

- Interstate 84/Interstate 5 – Banfield Interchange Deck Overlay and Bridge Rail Retrofit project, estimated project cost: \$6,570,000.
- Interstate 405 – Fremont Bridge Approach Ramps Modular Joint Replacement project, estimated project cost: \$5,750,000.
- Oregon 224 (Highway 171) Bridge Over UPRR and Southeast 26th Ave Deck Overlays Repair project, estimated cost: \$1,372,500.

- Interstate 5/Oregon 217 (Highway 1) Deck Overlays project, estimated cost: \$3,204,900.

The Oregon 224 Bridge Deck Overlays project and the I-5/Oregon 217 Deck Overlays project will be added to the MTIP via an administrative amendment and no formal action by the Joint Policy Advisory Committee or the Metro Council is required for staff to complete the MTIP programming actions as their cost is below the \$5 million dollar threshold, and neither are capacity enhancing projects that require air conformity analysis.

The I-84/I-5 Banfield Interchange Deck Overlay and Bridge Rail Retrofit project and the Interstate 405 Fremont Bridge Approach Ramps Modular Joint replacement project require a formal amendment to the MTIP as their project cost exceeds \$5 million dollars which requires approval by Metro resolution.

Federal air quality regulations as outlined in Title 40 Code of Federal Regulation 93.126, Table 2, exempt all four projects from having to perform air quality analysis due to the fact that the work has no impact upon vehicle emissions.

Additionally, funding for both projects has been verified ensuring the financial constraint finding for the 2015-2018 MTIP has been maintained.

Staff will complete separately the administrative amendment to modify the 2015-18 MTIP to include Oregon 224 Bridge and I-5/Oregon 217 projects. This formal amendment requires JPACT and Metro Council approval for the I-84/I-5 Banfield Interchange and I-405 Fremont Bridge projects as shown in Resolution 15-4642. The programming summary is shown in Exhibit A to the Resolution 15-4642. Attachment 1 to this staff report provides maps of the project locations.

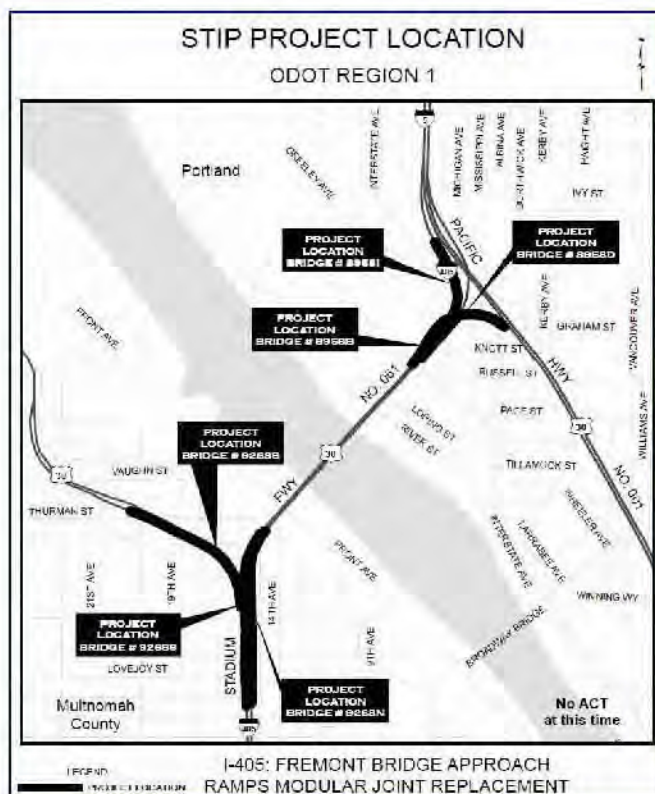
ANALYSIS/INFORMATION

1. **Known Opposition:** None known at this time.
2. **Legal Antecedents:** Amends the 2015-2018 Metropolitan Transportation Improvement Program adopted by Metro Council Resolution 14-4532 on July 31, 2014 (For The Purpose of Adopting the Metropolitan Transportation Improvement Program for the Portland Metropolitan Area).
3. **Anticipated Effects:** Enables the projects to obligate and expend awarded federal funds.
4. **Budget Impacts:** None

RECOMMENDED ACTION:

TPAC recommends the approval of Resolution 15-4642. (TPAC approval date: September 25, 2015)

Attachment: I-84/I-5 Banfield Interchange and I-405 Fremont Bridge project location maps

STIP PROJECT LOCATION
ODOT REGION 1

Resolution No. 15-4646, For the purpose of amending the
2015-18 MTIP to reprogram the City of Milwaukie's OR99
E. Bridge at Kellogg Lake Project Surface Transportation
Program (STP) funds of \$1,055,000 to their 17th Ave. Multi-
Use Trail Project for construction

Consent Agenda

Metro Council Meeting
Thursday, October 15, 2015
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE 2015-18	)	RESOLUTION NO. 15-4646
METROPOLITAN TRANSPORTATION)	
IMPROVEMENT PROGRAM (MTIP) TO)	
REPROGRAM THE CITY OF MILWAUKIE'S)	
OR99E BRIDGE AT KELLOGG LAKE PROJECT	)	Introduced by: "Chief Operating Officer
SURFACE TRANSPORTATION PROGRAM (STP)	)	Martha Bennett in concurrence with
FUNDS OF \$1,055,000 TO THEIR 17 TH AVENUE	)	Council President Tom Hughes"
MULTI-USE TRAIL PROJECT FOR)	
CONSTRUCTION)	

WHEREAS, the Metropolitan Transportation Improvement Program (MTIP) prioritizes projects from the Regional Transportation Plan to receive transportation related funding; and

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council approved the 2015-18 MTIP on July 31, 2014; and

WHEREAS, JPACT and the Metro Council must approve any subsequent amendments to add new projects or substantially modify existing projects in the MTIP; and

WHEREAS, the development of the 17th Ave Multi-use Trail project through preliminary engineering (PE) and the Plans, Specifications, & Estimates (PS&E) phases resulted in a revised construction estimate increase of approximately \$1 million dollars; and

WHEREAS, the city of Milwaukie attempted but was not successful to fill the construction phase funding shortfall by securing an Oregon Parks and Recreation District (OPRD) grant; and

WHEREAS, the city of Milwaukie has attempted to secure other funding options without success to fill the 17th Ave Multi-use Trail construction phase shortfall; and

WHEREAS, STP funding for the OR99E Bridge at Kellogg Lake project became the fall-back option to resolve the 17th Ave Multi-use Trail construction phase funding shortfall.

WHEREAS, the city of Milwaukie on August 4, 2015 approved the reallocation of \$1,055,000 of STP funds from the OR99E Bridge at Kellogg Lake PE phase to the 17th Ave Multi-use Trail Construction phase; and

WHEREAS, the city of Milwaukie will use local funds for the time being to continue engineering study work on the OR99E Bridge at Kellogg Lake; and

WHEREAS, the city of Milwaukie will provide the corresponding local match against the increase federal STP funds for the construction phase for the 17th Ave Multi-use trail project; and

WHEREAS, the city of Milwaukie has completed the PE and PS&E phases for the 17th Ave Multi-use Trail project and has obligated their Right-of-Way STP funds and is progressing through the Right-of Way Acquisition phase; and

WHEREAS, the construction schedule for the 17th Ave Multi-use Trail project anticipates a construction start during the first quarter of 2016; and

WHEREAS, failure to resolve the construction phase funding shortfall will prevent the 17th Ave Multi-use Trail Project from completing the full trail and result in a significant gap in the trail system; and

WHEREAS, the Metro Joint Policy Advisory Committee on Transportation recommended approval on October 8, 2015; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT to formally amend the 2015-18 MTIP to reallocate the OR99E Bridge at Kellogg Lake project STP PE funds of \$1,055,000 and reprogram them to the city of Milwaukie's 17th Ave Multi-use Trail project for the Construction phase to fill the construction phase funding shortfall.

ADOPTED by the Metro Council this ____ day of _____ 2015.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

Exhibit A to Resolution No. 15-4646

2015-18 Metropolitan Transportation Improvement Plan Chapter 5 Tables Amendment

Action: Amend MTIP to deprogram the City of Milwaukie's \$1,055,000 of STP in PE from the OR99 E Bridge at Kellogg Lake and replace with local funds, plus commit and reprogram the \$1,055,000 of STP in the Construction phase for the City of Milwaukie's 17th Ave Multi-use Trail project.

Existing programming:

Project Name	Project Description	ODOT Key #	Lead Agency	Estimated Total Project Cost (all phases, all years)	Project Phase	Fund Type	Program Year	Federal Funding	Minimum Local (State) Match	Other Funds	Total Funding
OR99 E Bridge at Kellogg Lake	Design funding for removal of both dam and bridge, with a bridge replacement	15598	City of Milwaukie	Not stated	PE	STP	2015	\$1,055,000	\$ 120,749		\$1,175,749
17 th Ave Multi-use Trail: SE Ochoco to SE McLoughlin	Trail on west side of SE 17 th Avenue between Ochoco St and McLoughlin Blvd and possibly on-street bike lanes. Links two significant regional multi-use trails: The Trolley Trail and the Springwater Corridor Trail.	18018	City of Milwaukie	\$3,308,814	PE	STP	2013	\$1,245,384	\$ 142,540		\$3,308,814
					R/W	STP	2015	\$ 143,568	\$ 16,432		
					Cons	STP	<u>2015</u>	<u>\$1,580,047</u>	<u>\$ 180,843</u>		
							Total	\$2,968,999	\$ 339,815		

Notes:

1. STP = Federal Surface Transportation Program funds.
2. PE = Preliminary Engineering (MTIP programming phase that combine PE (NEPA activities) and Plans, Specifications, & Estimates (PS&E)).
3. R/W = The MTIP Right-of-Way Acquisition programming phase that combines Right-of-Way Acquisition and Utilities relocation into one phase.
4. Cons = The MTIP Construction programming phase.
5. The 17th Ave STP for PE has been obligated. The PE phase (PE + PS&E) is now completed.
6. The 17th Ave STP for R/W has been obligated. The project is currently progressing through the R/W phase.

Exhibit A to Resolution No. 15-4646

Amended programming:

Project Name	Project Description	ODOT Key #	Lead Agency	Estimated Total Project Cost (all phases, all years)	Project Phase	Fund Type	Program Year	Federal Funding	Minimum Local (State) Match	Other Funds	Total Funding
OR99 E Bridge at Kellogg Lake	Design funding for removal of both dam and bridge, with a bridge replacement	15598	City of Milwaukie	Not stated	PE	STP	2015	\$ 0	\$1,175,749		\$1,175,749
17 th Ave Multi-use Trail: SE Ochoco to SE McLoughlin	Trail on west side of SE 17 th Avenue between Ochoco St and McLoughlin Blvd and possibly on-street bike lanes. Links two significant regional multi-use trails: The Trolley Trail and the Springwater Corridor Trail.	18018	City of Milwaukie	\$3,308,814	PE	STP	2013	\$1,245,384	\$ 142,540		\$4,484,571
					R/W	STP	2015	\$ 143,568	\$ 16,432		
					Cons	STP	<u>2015</u>	<u>\$2,635,047</u>	<u>\$ 301,600</u>		
							Total	\$4,023,999	\$ 460,572		

Notes

1. STP = Federal Surface Transportation Program funds.
2. PE = Preliminary Engineering (MTIP programming phase that combine PE (NEPA activities) and Plans, Specifications, & Estimates (PS&E)).
3. R/W = The MTIP Right-of-Way Acquisition programming phase that combines Right-of-Way Acquisition and Utilities relocation into one phase.
4. Cons = The MTIP Construction programming phase.
5. \$1,055,000 of STP is reprogrammed from the OR99 E Bridge at Kellogg Lake project to the 17th Ave Multi-use Trail project for the Construction phase.
6. The 17th Ave Construction phase STP funding increases from \$1,580,047 to \$2,635,047. The Construction phase total funding increases from \$1,760,890 to \$2,936,647.
7. The 17th Ave total project cost increases from \$3,308,814 to \$4,484,571.

STAFF REPORT

FOR THE PURPOSE OF AMENDING THE 2015-18 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO REPROGRAM THE CITY OF MILWAUKIE'S OR99E BRIDGE AT KELLOGG LAKE PROJECT SURFACE TRANSPORTATION PROGRAM (STP) FUNDS OF \$1,055,000 TO THEIR 17TH AVENUE MULTI-USE TRAIL PROJECT FOR CONSTRUCTION

Date: September 28, 2015

Prepared by: Ken Lobeck, 503-797-1785

BACKGROUND:

The MPO and the MTIP:

The Metropolitan Transportation Improvement Program (MTIP) is the federally mandated four-year schedule of expenditures of federal transportation funds as well as significant state and local funds in the Portland metropolitan region. The MTIP represents the first-four year implementation document of the long range Regional Transportation Plan (RTP). Development, management, updates, and amendments to the MTIP are the responsibility of the Metropolitan Planning Organization (MPO). The process of adding, removing, updating, or amending projects and their corresponding funding in the MTIP is called "programming". Guidance governing the process to complete required project programming in the MTIP originates from 23 CFR Part 450, Section 324. The MPO is tasked to complete the periodic full update and needed amendments to the MTIP in accordance 23 CFR Part 450. Additional supplemental programming guidance is also developed between FHWA/FTA, and the MPO over time when programming clarifications are needed. Overall, the approved MTIP provides the following:

- The MTIP provides a financial four-year snapshot of how federal transportation funding is committed to specific projects, and their phases.
- The MTIP includes state and local funding that is committed as matching funds against the federal funds, or to regionally significant transportation projects in the region that may require federal approvals to implement.
- The MTIP provides the regional transportation investment picture and goals identified in the long-range RTP during the RTP's first four years.
- The MTIP provides accountability of the federal transportation funding ensuring that the funds are used for their intended eligibility for the identified projects, phases, and project scope elements.
- The MTIP is the official document validating that the MPO and region has adhered to the programming rules of financial constraint reflecting that the fund programming does not exceed the annual fund apportionments or specific allocations.
- The MTIP provides the picture of unobligated federal funds allowing project lead agencies the ability to obligate and expend their awarded or allocated federal transportation funding.
- The MTIP through its complex programming process provides a confirmation that the region's conformity finding achieved in the RTP is still correctly maintained ensuring that the region can continue receiving federal transportation funds.
- Metro as the MTIP manager acts as the conduit to complete required MTIP programming actions for agencies receiving federal transportation not managed directly by Metro, ensuring they can obligate and expend their funding in timely fashion.
- In air quality nonattainment and maintenance areas (and to a lesser degree in attainment areas), the MTIP is the source validation document as part of the NEPA record of decision (ROD)

process ensuring the conformity requirements were completed, and the estimated project costs as stated in the environmental document are consistent with MTIP programming.

Metro's Management Role with the MTIP:

As the MPO, Metro has the responsibility to correctly develop and maintain the MTIP in accordance with all federal related programming regulations and guidelines. Without Metro's efforts to correctly develop, update, manage, and maintain the MTIP, the financial constraint finding, the conformity finding, or both could be revoked. If this were to occur, all agencies that receive federal transportation funding in the Metro region would not be able obligate and expend the awarded funding. Work to complete NEPA environmental documents for federally funded or federalized projects would stop. Project "Notice to Proceed (NTPs)" also could be halted until the financial constraint or conformity issue was resolved. Finally, under extreme situations, FHWA or FTA can revoke an MPO's or a specific agency's (as the direct recipient of federal transportation funds) ability to receive future federal transportation funding.

MTIP Formal and Administrative Amendments:

Approximately every three years, the MTIP receives a full update that includes system network re-modeling for conformity requirements. The MTIP update provides the next four-year "snap-shot" of how funding committed to the transportation system will be expended. A full MTIP update may occur in conjunction with the MPO's RTP update or separately as a formal amendment to the RTP. The next full MTIP update will occur in conjunction with the development of the 2018 RTP. In between MTIP updates, Metro as the MPO is authorized by FHWA and FTA to complete required project amendments to the MTIP. There are two types of MTIP amendments Metro is authorized to complete: Administrative and Formal Amendments.

MTIP Administrative and Formal Amendments:

Metro's 2015-2018 MTIP, Chapter 6, Table 6.1 outlines the differences between Administrative and Formal amendments that staff uses as a guide to complete the required programming actions. The short summary of Administrative and Formal MTIP amendments is as follows:

Administrative amendments involve minor "administrative-type" changes to projects that clearly demonstrate that no impact to financial constraint or the conformity finding is occurring as a result of the programming changed. Examples of changes allowed within administrative amendments include a minor description change to clarify project scope elements, a change to the lead agency that will obligate and expend the funds, and shifting funding between the project phases if the change is kept within the same programmed year. Since administrative amendments have no impact upon the existing financial constraint and conformity findings, they do not require FHWA approval and formal resolution/approval from Metro Council. Administrative amendments are approved by ODOT acting as the delegated approval arm on behalf of FHWA/FTA.

As the name suggests, Formal MTIP amendments require additional approval steps, documentation, plus formal resolution and approval by JPACT, and Metro Council. Formal amendments also require approval from FHWA/FTA. Formal amendments do not impact the conformity finding or financial constraint. However, Formal amendments must demonstrate through the documentation process and approval process that the conformity finding and financial constraint are maintained correctly. Table 6.1 in the MTIP outlines examples and exceptions between Administrative and Formal amendments. An example is a new preservation project on the Interstate Highway system where the funding exceeds \$5 million dollars. The Administrative or Formal threshold for this project category is \$5 million. If a new project was requested to be added to the MTIP, and the total project cost in this example were \$6.5 million, and

on the Interstate Highway system, then a Formal amendment is required to add the project to the MTIP per Table 6.1.

In the specific case of the city of Milwaukie's OR99E at Kellogg Lake and 17th Ave Multi-use Trail projects, the reprogramming action falls under Table 6.1 as a "Addition or deletion of a project" which requires a formal MTIP amendment. By reprogramming the previously awarded RFFA funds from the city of Milwaukie's OR99E at Kellogg Lake to their 17th Ave Multi-use Trail project for construction, the action effectively de-federalizes and deprograms previously awarded RFFA funds constituting a project deletion.

OR99E Bridge at Kellogg Lake and 17th Ave Multi-Use Trail Projects:

Both the city of Milwaukie's OR99E Bridge at Kellogg Lake and 17th Avenue Multi-use Trail: SE Ochoco to SE McLoughlin were awarded Surface Transportation Program (STP) funds from the Regional Flexible Fund Allocation (RFFA). The OR99E Bridge at Kellogg Lake project was awarded a total of \$1,055,000 of RFFA from the 2010-11 RFFA cycle. The 17th Ave Multi-Use Trail project was awarded \$2,968,999 of RFFA from the 2014-15 RFFA cycle that was applied to all three MTIP phases (PE, R/W, and Construction). A summary of the awarded funding includes the following:

- OR99E Bridge at Kellogg Lake:
 - MTIP ID: 70035.
 - \$1,055,000 of STP supporting the Preliminary Engineering phase activities.
- 17th Avenue Multi-use Trail – SE Ochoco to SE McLoughlin:
 - MTIP ID: 70479.
 - \$2,968,999 of STP supporting all three MTIP phases:
 - \$1,245,384 for Preliminary Engineering.
 - \$143,568 for Right-of-Way Acquisition.
 - \$1,580,047 for Construction.

The OR99E Bridge at Kellogg Lake project is a complex project with multiple goals. The project intends to remove Kellogg dam, address contaminated sediments, re-establish fish passage riparian habitat for endangered salmon and native wildlife, and provide pedestrian access underneath OR99E (SE McLoughlin Boulevard). Determination of whether this could be accomplished with a retrofit of the existing highway structure or a new highway bridge would be needed is also a part of the project scope. The project is intended to achieve five specific goals that include:

1. Habitat Restoration:
By restoring 14 acres of native habitat within the former lakebed, the Kellogg-for-Coho-Initiative will provide crucially needed habitat for native plants, fish, and wildlife including several Endangered Species Act-listed species such as Lower Colombia coho salmon, Spring Chinook salmon, and Steelhead.
2. Fish Passage:
Removing Kellogg Dam will open almost 9 miles of stream habitat. Due to its ecological potential, the KFCI is prioritized in local, regional, and state level recovery and resource management plans.
3. Downtown Revitalization:
The initiative will restore a natural area adjacent to Milwaukie's developing, transit-oriented South Downtown and will be a significant amenity to the community.

4. Public Education:

The restored creek will provide community access to a wealth of public education opportunities. Citizens and visitors alike can learn how urban re-development can support both environmental and economic agendas.

5. Supporting Transportation Options:

A newly constructed bridge over Kellogg Creek would improve Milwaukie's infrastructure while supporting bike and pedestrian options in the vicinity of the creek by adding bike lanes along OR-99E and separated bike/ped access underneath McLoughlin Boulevard between Kronberg and Riverfront Parks.

Unfortunately, the city of Milwaukie has experienced challenges to get the OR99E Bridge at Kellogg Lake project moving forward. The City has not been able to obligate their STP funds. With no short term solution to implement the PE for the project and with the RFFA STP funds being significantly aged as of 2015, the city of Milwaukie and Metro staff evaluated potential alternative options for the RFFA sourced STP funds. One option raised was to reprogram the \$1,055,000 of STP to the 17th Ave Multi-use Trail project.

The 17th Ave Multi-use Trail project has obligated and is completing the Preliminary Engineering phase which includes required studies and activities for Preliminary Engineering (i.e. completion of NEPA), and Plans Specifications, & Estimates (PS&E). The project has obligated their STP funds to complete Right-of-Way Acquisition requirements with a target Right-of-Way phase completion date of October 2015. Construction is scheduled to begin by May of 2016.

During the PS&E phase, more detailed cost estimates become clearer based on the final design alternative for the project. As the 17th Ave Multi-use Trail moved through the PS&E phase, the cost estimate for the Construction phase was identified as being short by about one million dollars from the initial estimate submitted application for RFFA funding. The project needs to identify additional funding to fill the construction funding shortfall. The existing MTIP programming for the project is \$3.3 million. The Construction phase estimate has increased from \$1.58 million to about \$2.64 million. The revised cost estimate for the entire project has increased from its original \$3.3 million estimate to approximately \$4.4 million.

The city of Milwaukie pursued multiple funding options to address the Construction phase shortfall including an Oregon Parks and Recreation District (OPRD) grant. The city was not successful with their OPRD grant application. Without a clear solution present to solve the Construction phase funding gap, the City of Milwaukie evaluated the option of utilizing the OR99E Bridge at Kellogg Lake STP funds to cover the funding gap. On August 4, 2015, the Milwaukie City Council approved this option. The city of Milwaukie then contacted Metro with the formal request to reallocate the \$1,055,000 of STP from the OR99E Bridge at Kellogg Lake and reprogram the funds in the Construction phase for the 17th Avenue Multi-use Trail: SE Ochoco to SE MacLoughlin project. Staff's review of this proposal determined the reprogramming request was an eligible option and allowable use for the STP funds.

The reprogramming request is considered a lateral budgetary adjustment. No new Metro appropriated STP or other allocated federal funds are being committed to either project. The MTIP Financial Constraint requirement is maintained. There is no conformity issue as well as the financial reprogramming has not impact to the Conformity Finding.

ANALYSIS/INFORMATION

1. **Known Opposition:** None known at this time.
2. **Legal Antecedents:** Amends the 2015-2018 Metropolitan Transportation Improvement Program adopted by Metro Council Resolution 14-4532 on July 31, 2014 (For The Purpose of Adopting the Metropolitan Transportation Improvement Program for the Portland Metropolitan Area).
3. **Anticipated Effects:** Enables the project to obligate and expend awarded federal funds to complete the 17th Ave Multi-use Trail Construction phase.
4. **Budget Impacts:** None

RECOMMENDED ACTION:

TPAC recommends the approval of Resolution 15-4646. (TPAC approval on September 25, 2015).

Attachments:

1. Mayor Mark Gamba's STP Reallocation Request to Metro
2. Milwaukie City Council August 4, 2015 17th Ave Trail Funding Staff Report



August 19, 2015

Ted Leybold
Resource Development Manager
Planning Department
Metro
600 NE Grand Ave
Portland, OR 97232

Subject: STP Fund Swap Request between OR99 E Bridge at Kellogg Lake and the 17th Ave Multi-Use Trail Projects

Dear Mr. Leybold:

This letter reaffirms the city of Milwaukie's request and need to reallocate the STP funds (\$1,055,000) currently programmed for the OR99 E Bridge at Kellogg Lake project to the 17th Ave Multi-Use Trail project to fill the existing Construction phase funding gap.

On August 4, 2015, the Milwaukie City Council held a work session and discussed in detail the issues surrounding the OR99 E Bridge at Kellogg Lake project and our available options for the STP funds.

Council members discussed the issues the City faces with federal review agencies and with ODOT to move this project forward. Obligating the STP for PE for the project does not seem a viable option based on the issues we potentially face with this project. We are still committed to the OR99 E Bridge at Kellogg Lake project. However, using the STP for PE activities does not appear to be our best option currently.

Council members also discussed the funding shortfall for the Construction phase for the 17th Ave Multi-use Trail project and the difficulties in securing additional funding to fill the funding gap. Rather than potentially lose the \$1,055,000 on the OR99 E Bridge at Kellogg Lake, we believe the best "Plan B" would be to reallocate the \$1,055,000 of STP to the 17th Ave Multi-use Trail to fill the Construction phase funding gap.

The Council agreed unanimously to this action. Please consider this the Milwaukie City Council's formal authorization to proceed to reallocate the \$1,055,000 of STP funds from the OR99 E Bridge at Kellogg Lake project to our 17th Ave Multi-Use Trail to support the Construction Phase.

Sincerely,

The Honorable Mark Gamba
Mayor, City of Milwaukie



**MILWAUKIE CITY COUNCIL
AGENDA ITEM SUMMARY**

Agenda Item: **WS 2.**

Meeting Date: **August 4, 2015**

Title: **17th Avenue Trail Funding**

Prepared By: Brad Albert, Interim Engineering Director

Department Approval: Alma Flores, Community Development Director

City Manager Approval: Bill Monahan

Approval Date: July 22, 2015

ISSUES BEFORE COUNCIL

The 17th Avenue Trail did not receive the Oregon Parks and Recreation District (OPRD) Local Government Grant Program grant. The trail project is anticipating a funding gap of approximately \$1 million to complete the project.

STAFF RECOMMENDATION

Staff recommends re-allocating the Kellogg Dam removal engineering study funds to the 17th Avenue Trail project.

KEY FACTS & INFORMATION SUMMARY

- Funding options to fill the gap in the 17th Avenue Trail project are becoming scarce. As mentioned above, the City applied for an OPRD Grant but did not receive funds.
- The Trail project final plans and specifications are scheduled to be complete January 1, 2016 for a scheduled construction start of spring 2016.
- The engineering study for the Kellogg Dam removal would be invalid if the construction of the bridge replacement did not commence within 5 years of the engineering study.
- Funds for the Kellogg Dam removal engineering study have been in the ODOT STIP for approximately four years. The funds are allocated each year and revolve to the next year. At some point, presumably within the next year or two, the funds will not be reallocated for the engineering study if not used.

OTHER ALTERNATIVES CONSIDERED

Staff continues to search for funding alternatives but the timing of the project is making it difficult to secure funding by the end of the year. If funding is not secured by the end of the year, we will not be able to construct the entire trail. A significant gap in the trail system will remain and funding to finish the trail will have to be secured in the future.

CITY COUNCIL GOALS

Focus community resources on an all-inclusive bike, pedestrian, and street safety program.

FISCAL NOTES

The City would not incur additional match funding needs to re-allocate funds from the Kellogg Dam removal study to the 17th Avenue Trail project.

Agenda Item No. 3.3

Resolution No. 15-4649, For the Purpose of Amending the
2015-18 Metropolitan Transportation Improvement
Program (MTIP) to Include the Amtrak Cascades Passenger
Rail Service Operations and Maintenance Costs Project

Consent Agenda

Metro Council Meeting
Thursday, October 15, 2015
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE	)	RESOLUTION NO. 15-4649
2015-18 METROPOLITAN)	
TRANSPORTATION IMPROVEMENT)	
PROGRAM (MTIP) TO INCLUDE THE)	
AMTRAK CASCADES PASSENGER RAIL	)	Introduced by: "Chief Operating Officer
SERVICE OPERATIONS AND		Martha Bennett in concurrence with
MAINTENANCE COSTS PROJECT		Council President Tom Hughes"

WHEREAS, the Metropolitan Transportation Improvement Program (MTIP) prioritizes projects from the Regional Transportation Plan to receive transportation related funding; and

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council approved the 2015-18 MTIP on July 31, 2014; and

WHEREAS, JPACT and the Metro Council must approve any subsequent amendments to add new projects or substantially modify existing projects in the MTIP; and

WHEREAS, the ODOT Amtrak Cascades passenger rail service provides travelers an essential rail transportation option from southern Oregon to Vancouver, British Columbia; and

WHEREAS, the Amtrak Cascades service provides numerous transportation benefits including vehicle congestion reduction, competitive pricing, support to local economies, and supports greenhouse gas emission reduction objectives; and

WHEREAS, the Amtrak Cascades service has experienced significant operating and maintenance cost increases that have exceeded available revenue sources creating a critical funding gap; and

WHEREAS, Oregon Legislature has approved \$10.4 million from the General Fund to help reduce the funding shortfall; and

WHEREAS, ODOT has pursued a funding opportunity with FHWA to secure additional state Congestion Mitigation Air Quality (CMAQ) funds to help reduce the funding gap; and

WHEREAS, FHWA has approved ODOT's request for CMAQ to support the Amtrak Cascades operations and maintenance needs; and

WHEREAS, ODOT will apply the awarded total \$8,588,799 of State CMAQ towards the Amtrak Cascades service operations and maintenance requirements during the federal years of 2016 and 2017; and

WHEREAS, the additional CMAQ will be a significant contribution that can be applied to the existing funding gap shortfall and together with the General Fund allocation will reduce the funding gap by over eighty-eight percent; and

WHEREAS, the additional CMAQ funding will help prevent a reduction or elimination of existing Amtrak Cascades passenger rail services; and

WHEREAS, the application of the CMAQ towards the Amtrak Cascades service operations and maintenance areas will have no impact on vehicle capacity and are therefore exempt from needing to demonstrate conformity with the air quality emissions budget; and

WHEREAS, the Metro Joint Policy Advisory Committee on Transportation recommended approval on October 8, 2015; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT to formally amend the 2015-18 MTIP to include Amtrak Cascades Passenger Rail Service Operations and Maintenance Costs project.

ADOPTED by the Metro Council this ____ day of _____ 2015.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

Exhibit A to Resolution No. 15-4649

2015-18 Metropolitan Transportation Improvement Plan Chapter 5 Tables Amendment

Action: Amend MTIP to include the Amtrak Cascades Passenger Rail Services Operations and Maintenance Costs Project

Existing programming: None – New project

Amended programming:

Project Name	Project Description	ODOT Key #	Lead Agency	Estimated Total Project Cost (all phases, all years)	Project Phase	Fund Type	Program Year	Federal Funding	Minimum Local (State) Match	Other Funds	Total Funding
Amtrak Cascades Service Operations and Maintenance Costs Project	Operations and maintenance costs for Amtrak Cascades Passenger Rail Service in the Portland Metro area	TBD	ODOT	\$9,571,826	Other	CMAQ - State	2016	\$8,588,799	\$983,027		\$9,571,826

Notes:

1. \$10.4 million was previously allocated from the General Fund to support the funding shortfall during FY 2015. It is not included as the current federal year is now 2016. The MTIP will reflect only the unobligated federal and match for the shortfall.
2. The estimated total funding shortfall over the 2015-2016 timeframe is \$22.6 million.
3. "Other" = A special phase designation for unique projects where the programmed funding represents an implementation phase for the project, but does not fit the regular Preliminary Engineering, Right-of-Way Acquisition, or Construction phases used for roadway improvement projects.

STAFF REPORT

FOR THE PURPOSE OF AMENDING THE 2015-18 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO INCLUDE THE AMTRAK CASCADES PASSENGER RAIL SERVICE OPERATIONS AND MAINTENANCE COSTS PROJECT

Date: September 28, 2015

Prepared by: Ken Lobeck, 503-797-1785

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In the specific case of ODOT's new Amtrak Cascades Service project that is seeking approval to be added to the MTIP as part of this agenda item, the MTIP Table 6.1 was used as the basis to determine if the project could be added to the MTIP via an Administrative or Formal amendment. Guidance stated in Table 6.1 generally requires new projects to be added via a Formal amendment. Once possible exception exists in the guidance that staff reviewed which states: "Other ODOT operations projects (programmatic maintenance or updates to signs, illumination, rock falls, etc.) – total project costs less than \$2 million dollars" which requires approval by Metro resolution. Since the Amtrak Cascades Services total project cost being programmed exceeds the \$2 million threshold, it must be added to the MTIP via a Formal amendment.

The funding for ODOT's Amtrak Cascades Service project as described in the following paragraphs are Congestion Mitigation Air Quality (CMAQ) federal funds. They are State CMAQ funds outside of Metro's CMAQ apportionment. They are separate from Metro's RFFA program. FHWA and ODOT coordinated the required approvals for ODOT to acquire the additional obligation authority to receive the unexpended CMAQ capacity for the project. As the MPO, Metro's role was to work with ODOT to confirm the eligibility of the State CMAQ for the Amtrak Cascades Service project. Metro is now acting as a conduit to assist ODOT complete the required MTIP programming. The following provides additional details about the State CMAQ approved for the Amtrak Cascades Service Operations and Maintenance Support project.

ODOT's State Rail Program:

ODOT's State Rail Program represents and advocates for customers of railroads, both passenger and freight, to ensure a safe, efficient and reliable rail transportation system. The State Rail Program includes the Passenger Rail Program. The Passenger Rail Program is responsible for the planning and development of Oregon's growing passenger rail service which includes the operation of the Amtrak Cascades Service. ODOT partners with Washington State's Department of Transportation (WSDOT) and Amtrak to provide the Amtrak Cascades service from Eugene to Vancouver, British Columbia via Portland and Seattle. Two daily roundtrip trains serve Eugene, Albany, Salem, Oregon City, and Portland. Four daily roundtrips connect Portland and Seattle with two daily roundtrips between Seattle and Vancouver, British Columbia.

The Amtrak Cascades service is one of the nation's highest ridership passenger rail services. In 2013, 215,096 people used Amtrak Cascades trains and supporting buses between Eugene and Portland. The Amtrak Cascades service has enjoyed increasing ridership since the service began in 1994. 2013's ridership represented a 45.3 percent increase since 2007, and a 255 percent increase since 1995.

Passenger rail service offers travelers an option from their vehicle and includes several benefits:

- It reduces congestion on roadways.
- Passenger rail is competitively priced, reliable, and a safe alternative to the automobile.
- It supports the economies of the origin and destination cities, including providing opportunities for tourism.
- It supports greenhouse gas emission reduction objectives.

As of 2014, challenges emerged for the Amtrak Cascades service. Beginning in January, 2014, Oregon updated its schedules to offer better connections for the Willamette Valley passenger rail users with the goal of supporting continued ridership growth. However, ridership declined during 2014 instead of increasing. Several factors contributed to the decline including the elimination of one late morning train

that departed Eugene, the Bolt Bus entered service as a direct competitor to the Amtrak Cascade service, on-time performance dropped, and gas prices have fallen. ODOT and WSDOT are working together reverse the trend and increase ridership.

Passenger rail service can't support itself on ticket sales and requires some level of supplemental support. ODOT has funded the service through revenues generated from custom license plate fees, and funds from the Transportation Operations Fund (TOF). However, these sources presently are no longer sufficient to cover the costs of the trains. Additionally, the costs to operate and maintain the Amtrak Cascades service have increased over time as well. This has produced a gap between revenues and costs. ODOT has identified five key factors that continue to increase the gap between revenues and costs. They include the following:

- *Shifting costs to states:* As a result of the passage in 2008 of the Passenger Rail Investment and Improvement Act (PRIIA), short-distance (i.e. routes under 750 miles in length) intercity passenger rail costs were shifted to the states effective as of October 1, 2013. This added millions of dollars in costs that ODOT had to include in their biennial passenger rail budget.
- *Increased costs:* From 2009 to 2013, Amtrak's operating costs have risen 36 percent even before the added costs from PRIIA took effect.
- *Custom plate fees:* In 2009, the Legislature doubled the custom license plate fee anticipating the result would double the revenue ODOT received. However, demand for custom license plates has not reach the projected levels resulting in lower revenues.
- *New ticket revenue sharing methodology:* A recent change in how Oregon and Washington share the ticket revenue resulted in Washington receiving more revenues. While the revenue division change is considered fair, it increased ODOT's out-of-pocket costs.
- *Costs of train ownership:* Until 2013, service in Oregon was provided using trains owned by Washington and Amtrak. The impact was that Washington was subsidizing Oregon. Washington will soon increase the number of trains between Portland and Seattle and will need their trains to serve this portion of the corridor. ODOT utilized ARRA funding to purchase two new train sets that went into service in 2013. While the procurement ensures ODOT does not have to cancel service in Oregon when Washington reallocates their trains, it also requires ODOT to incur the maintenance costs.

The Oregon Transportation Commission (OTC) received an informational update from ODOT about the passenger rail service and the funding shortfall during their July 2015 meeting. ODOT detailed the cost increases the Amtrak Cascade service has experienced since 2013, and strategies to increase ridership were presented to the OTC.

In the 2015-2017 Budget Narrative, Rail Division Policy Package #160, Passenger Rail Funding summary, the total funding shortfall has been identified at approximately \$22.6 million over the period. The Oregon Legislature approved \$10.4 million from the General Fund during March 2015 to help address the shortfall.

Recently, ODOT received an opportunity to utilize available unexpended capacity of Congestion Mitigation Air Quality (CMAQ) improvement funds. The available State CMAQ does not impact the existing apportionment to the Metro region, or decreases our existing annual allocation. ODOT has applied and received approval from FHWA for a total of \$8,588,799 of State CMAQ to be used in

support of operations and maintenance needs for the Amtrak Cascades service. Adding the required 10.27% match, the CMAQ/match total equals \$9,571,827 that can be applied to the shortfall.

The General Fund approval of \$10,408,710 plus the State CMAQ/match of \$9,571,821 provides ODOT a total of \$19,980,536 for the funding shortfall. The approximate \$20 million provides about 88.4% of the needed funding for the shortfall. ODOT is examining additional potential funding sources to cover the remaining balance.

The additional CMAQ for ODOT does not impact Metro's annual CMAQ apportionment. There is no reduction to Metro's CMAQ allocation as a result of ODOT receiving the additional CMAQ funding. When programmed in the MTIP, the CMAQ will be identified with the fund code "CMAQ-State" to separate it from and avoid confusion with Metro's CMAQ funded projects. As part of the eligibility review for MTIP programming, the MTIP financial constraint requirement has been maintained.

Federal air quality regulations as outlined in Title 40 Code of Federal Regulation 93.126, Table 2, exempt the project from having to perform air quality analysis due to the fact that the work has no impact upon vehicle emissions, and no change to rail services is occurring.

Staff will complete the MTIP programming action upon final approval from the Metro Council and coordinate with ODOT Region 1 to ensure the project is also added to the STIP. The programming summary is shown in Exhibit A to the Resolution 15-4649.

ANALYSIS/INFORMATION

1. **Known Opposition:** None known at this time.
2. **Legal Antecedents:** Amends the 2015-2018 Metropolitan Transportation Improvement Program adopted by Metro Council Resolution 14-4532 on July 31, 2014 (For The Purpose of Adopting the Metropolitan Transportation Improvement Program for the Portland Metropolitan Area).
3. **Anticipated Effects:** Enables the projects to obligate and expend awarded federal funds.
4. **Budget Impacts:** None

RECOMMENDED ACTION:

TPAC recommends the approval of Resolution 15-4649. (TPAC approval date: September 25, 2015)

Agenda Item No. 3.4

**Resolution No. 15-4652, For the Purpose of Review and
Approval of the Oregon Zoo Public Art Advisory
Committee's Second Art Commission Recommendations**

Consent Agenda

Metro Council Meeting
Thursday, October 15, 2015
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF REVIEW AND	)	RESOLUTION NO. 15-4652
APPROVAL OF THE OREGON ZOO)	
PUBLIC ART ADVISORY COMMITTEE'S	)	Introduced by Councilor Carlotta Collette
SECOND ART COMMISSION)	
RECOMMENDATION)	

WHEREAS, at the General Election held on November 4, 2008, the Metro Area voters approved Oregon Zoo Ballot Measure 26-96, entitled "Bonds to Protect Animal Health and Safety; Conserve and Recycle Water" providing funding for \$125 million in capital improvements at the Oregon Zoo ("Oregon Zoo Bond Measure"); and

WHEREAS, on September 22, 2011, Metro Council adopted Resolution No. 11-4292, "For the Purpose of Adopting the Oregon Zoo Bond Implementation Plan," accepting and approving the Oregon Zoo Bond Implementation Plan and authorizing the Zoo to proceed to secure land use and development permits and approvals, procure design and construction services, and construct the Oregon Zoo Bond funded projects as set forth therein; and

WHEREAS, Metro Code Section 2.07.060 entitled, "One Percent for Art Program – Implementation," requires that the Metro Council adopt guidelines for implementing Metro's One Percent for Art Program; and

WHEREAS, on August 4, 2011, Metro Council adopted Resolution No. 11-4282, "For the Purpose of Establishing Additional One Percent For Art Program Guidelines For Oregon Zoo Ballot Measure 26-96 Construction Projects," providing for a programmatic approach to implementation of Metro's One Percent for Art Program requirements for the Oregon Zoo Bond Measure public improvement projects, and establishing criteria for the selection of art for said projects; and

WHEREAS, the "One Percent For Art Program Guidelines For Oregon Zoo Ballot Measure 26-96 Construction Projects" established the Oregon Zoo Public Art Advisory Committee ("OZPAAC") to, among other functions: recommend suitable art forms and the appropriate locations for artwork within the Zoo bond projects and in proximity to bond projects; establish an artist selection process; seek input from stakeholders; and select the artists and works of art in accord with the established selection criteria; and

WHEREAS, the "One Percent For Art Program Guidelines For Oregon Zoo Ballot Measure 26-96 Construction Projects" require that the Metro Council maintain oversight, review and approval of the OZPAAC's recommended art location and types; and

WHEREAS, the OZPAAC recommends that the one percent for art program funds be allocated to three areas of the Zoo proximate to the visitor hubs identified in the bond implementation plan: the west hub, central hub and east hub, with the artwork in the west hub to be commissioned and installed concurrently with the new Education Center construction; and

WHEREAS, the OZPAAC has selected artist Rob Ley from a group of 232 artists responding to an RFQ for public art to be located at the west hub; and

WHEREAS, the OZPAAC recommends that the art for the west hub feature the design types proposed by Mr. Ley and described in the attached staff report (the "Second Art Commission"); and

WHEREAS, the Metro Council wishes to approve the OZPAAC's recommendations as set forth herein, now therefore:

BE IT RESOLVED that the Metro Council hereby:

- 1) Approves the Oregon Zoo Public Art Advisory Committee's recommendation to allocate Oregon Zoo Ballot Measure 26-96 Construction Project One Percent for Art Program funds to the Oregon Zoo Bond Implementation Plan's west hub; and
- 2) Approves the Oregon Zoo Public Art Advisory Committee's Second Art Commission recommendations.

ADOPTED by the Metro Council this _____ day of October, 2015.

Tom Hughes, Council President

Approved as to Form:

Alison Kean, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 15-4652 FOR THE PURPOSE OF REVIEW AND APPROVAL OF THE OREGON ZOO PUBLIC ART ADVISORY COMMITTEE'S SECOND ART COMMISSION RECOMMENDATIONS.

Date: September 28, 2015

Prepared by: Heidi Rahn
503-220-5709

BACKGROUND

As outlined below, the zoo is addressing percent-for-art expenditures programmatically by dividing the designated one percent of direct construction costs into three allocations for artwork. Each allocation is essentially aligned with one third of the bond-funded zoo campus construction, geographically west, central and east. This resolution addresses the second of these three allocations, designated for the west hub and environs site which includes the new Education Center. With the third commission to follow, the Oregon Zoo Bond Program will bring a resolution to Metro Council to review and approve recommendations of the Oregon Zoo Public Art Advisory Committee regarding the locations and forms of art.

Metro Code section 2.07 states the agency policy of spending one percent of direct construction costs, on projects valued at more than \$100,000, towards public art.

In 2008 voters approved Ballot Measure 26-96 (the "Oregon Zoo Bond Measure 26-96") to support several improvements to the physical environment and operation of the Oregon Zoo with \$125 million in capital improvements. Staff determined the most effective use of the percent for art funds would be to designate them programmatically rather than on a project-by-project basis. This would enable a more strategic approach to the selection and installation of public art at the zoo and leverage the monies to greater effect for the public and the campus.

Metro Council passed resolution No. 11-4282 which approved a programmatic approach to using percent-for-art funds and established guidelines to provide the direction necessary for implementation of zoo bond percent-for-art program. The guidelines included appointing an Advisory Committee to:

- Recommend suitable art forms and work with project architect to designate appropriate sites;
- Recommend program expenditures;
- Identify criteria for selection of each project's art, including artist's qualifications based on past work, highest aesthetic quality, and consideration for safety, durability, maintenance, safety and public access; and
- Select artists and art forms.

The Council will "maintain oversight, review and approval of the Advisory Committee's recommended art location and types."

The Oregon Zoo Public Art Advisory Committee (OZPAAC) roster of members, serving two-year renewable terms, is:

Res 15-4652 Review and Approval of the Oregon Zoo Public Art Advisory Committee's Second Art Commission Recommendations

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- Carlotta Collette, Metro Councilor
- John Forsgren, Forsgren Design Studio, Regional Arts and Culture Council Public Art Advisory Committee
- Kregg Hanson, Oregon Zoo Foundation Trustee Emeritus, OZPAAC Chair
- Jiseon Lee Isbara, Dean of Affairs and Associate Professor, Oregon College of Art and Craft
- Tracy Modde, Oregon Zoo Education Registrar
- Ruth Shelly, Executive Director Portland Children's Museum, Oregon Zoo Bond Citizen's Oversight Committee
- Brent Shelby, Oregon Zoo Bond Program Project Manager
- Tyson Stoianoff, Oregon Zoo Public Art Administrator
- Anne Storrs, Artist

Education Center design principal Alec Holser and project architect Jennie Cambier from Opsis Architecture joined the committee in making the second commission selection.

Members of OZPAAC have put in an extraordinary amount of time and thoughtful consideration during this second commission selection. As contracted, the Regional Arts and Culture Council (RACC) managed the process.

- In June 2014 a public Request for Qualifications (RFQ) was advertised.
- 232 artists responded to the public RFQ to be considered to design, fabricate and install artwork associated with the Education Center project.
- 36 of the top-scoring artist submissions were evaluated by an OZPAAC sub-committee and reduced to the top 12.
- The entire selection committee evaluated the top 12 submissions. From 12, four finalists were selected.
- In November of 2014 the four finalists were invited for a tour and interview which took course over three days. The finalists toured the zoo site, met with project architects and education staff, and presented their initial thoughts and approaches for public art for the site.
- OZPAAC selected Rob Ley from a pool of well-qualified artists for his exemplary artistic merit, his commitment to work that responds to site and audience, his collaborative nature and his ability to deliver beautiful, impactful work within budget.

For the better part of calendar year 2015 Mr. Ley has worked with the project design team, zoo staff and OZPAAC to choose a site and art design that explores the core concept of the Education Center project: small things matter. This sculptural piece will be located in the public plaza near the entrance to the Center's Nature Exploration Station (NESt) where opposite views down zoo street meet, drawing visitors into the NESt. The monumental piece will be composed of small metallic units working in aggregate to create a form inspired by nature. It is appealing to audiences of all ages and backgrounds. It complements the vision of the project and elevates the visitor experience.

ANALYSIS/INFORMATION

1. **Known Opposition** None.
2. **Legal Antecedents** Metro Council Resolution No. 87-717, "For the Purpose of Establishing Guidelines for the Implementation of a One Percent for Art Program," approving guidelines to

Res 15-4652 Review and Approval of the Oregon Zoo Public Art Advisory Committee's Second Art Commission Recommendations

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provide a process for selecting, purchasing, commissioning, placing and maintaining the art purchased with art set-aside funds.

Metro Council Resolution No. 11-4282, “For the Purpose of Establishing Additional One Percent for Art Program Guidelines for Oregon Zoo Ballot Measure 26-96 Construction Projects,” approving guidelines to provide a process for selecting, commissioning, and placing the art programmatically, rather than on a project-by-project basis, for zoo bond funded projects.

Metro Council Resolution No. 11-4292, “For the Purpose of Approving the Oregon Zoo Bond Implementation Plan,” approving the design and construction of a suite of capital projects identified in the Bond Implementation Plan.

Metro Code section 2.07.070 requires that the Metro Council shall adopt by resolution guidelines for implementing percent-for-art program. The guidelines shall be interpreted in such a manner to fully carry out the purposes of the ordinance.

Metro Council resolution no. 13-4437 “for the purpose of review and approval of the Oregon Zoo Public Art Advisory Committee’s first art commission recommendations.”

3. **Anticipated Effects** Artwork installation will coincide with construction of project.
4. **Budget Impacts** The Bond Implementation Plan, approved by Council, allocates funds to project scopes including percent-for-art expenditures. The artist contract was included in the Metro Budget Fiscal Year 2016 Contracts List, approved by Metro Council.

RECOMMENDED ACTION

Approve the Oregon Zoo Public Art Advisory Committee’s recommendations for a sculpture by artist Rob Ley in a landscaped section of the plaza associated with the Education Center.

Agenda Item No. 3.5

Resolution No. 15-4653, For the Purpose of Confirming
the Council President's Appointment of Damien Hall to the
Metro Audit Committee

Consent Agenda

Metro Council Meeting
Thursday, October 15, 2015
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE	)	RESOLUTION NO. 15-4653
COUNCIL PRESIDENT’S APPOINTMENT OF)	
DAMIEN HALL TO THE METRO AUDIT	)	Introduced by Council President Tom Hughes
COMMITTEE)	
)	

WHEREAS, Metro Code Chapter 2.19.250 establishes the Metro Audit Committee; and

WHEREAS, the Committee enhances the external audit function by monitoring the external auditor’s services and activities to ensure that independence is maintained between the external auditor and management; and

WHEREAS, the Metro Code Chapter 2.19.030, “Membership of the Advisory Committees,” states that all members and alternate members of all Metro Advisory Committees shall be appointed by the Council President and shall be subject to confirmation by the Council; and

WHEREAS, the Metro Code Chapter 2.19.250 (d), provides that the Committee shall include a Commissioner of Metropolitan Exposition Recreation Commission (MERC); and

WHEREAS, Damien Hall is the MERC Commissioner selected to serve a one-year term on the Audit Committee; and

WHEREAS, the Council President desires to confirm the appointment; now, therefore,

BE IT RESOLVED, that the Metro Council confirms the appointment of Damien Hall to the Metro Audit Committee as set forth in Exhibit "A" attached hereto for the Committee position and terms set forth therein.

ADOPTED by the Metro Council this 15th day of October 2015.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

Exhibit A to Resolution No. 15-4653

METRO AUDIT COMMITTEE

Committee Member Appointment

The following person is appointed to serve a one-year term, from October 15, 2015 to October 14, 2016:

· **Damien Hall** MERC Commissioner (voting)

BIOGRAPHY

Member appointment:

Damien Hall is an associate in Ball Janik LLP's Land Use and Real Estate practice groups where he is the real estate and land use practice group leader, representing both property owners and local governments. His background is in urban planning and development and in addition to his land use practice he regularly assists clients with real estate transactions, natural resources law, municipal law, and formation and organization of business entities. Mr. Hall is a member of the National Black Lawyers Top 100.

Actively involved in development issues in Portland, Hall serves on the Board of Commissioners for Home Forward and on the Board of Directors for Portland Community Reinvestment Initiatives, Inc. (PCRI). Mr. Hall is a member of the Portland Development Commission's (PDC) Central City Budget Advisory Committee and formerly served on the Oregon Convention Center Urban Renewal Area Advisory Committee as a committee member from 2007 through 2010 and as Chairperson from 2010 through 2013. He has been a member of the Young Leaders group of the Urban Land Institute (ULI) of Oregon and SW Washington since 2008 and is a member of the Oregon Chapter of the National Association of Industrial and Office Properties (NAIOP), and is on its Developing Leaders Committee. Mr. Hall participated in the PDC's N/NE Economic Development Initiative Advisory Committee from 2010-2011 and in the City of Portland's North/Northeast Quadrant of I-5 Broadway/Weidler Stakeholder Advisory Committee from 2011-2012.

In addition to his professional engagements, Mr. Hall serves on the Board of Directors for CareOregon and as a Board Member of Groundwork Portland. He also represented "Verde – Let Us Build Cully Park!" as *pro bono* counsel.

Mr. Hall received a Bachelor of Science degree in Public Policy, Planning and Management from the University of Southern California. He earned his law degree from the Northwestern School of Law at Lewis & Clark College.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION No. 15-4653 FOR THE PURPOSE OF CONFIRMING THE APPOINTMENT OF DAMIEN HALL TO THE METRO AUDIT COMMITTEE

Date: September 29, 2015

Prepared by: Brian Evans
Metro Auditor
503-797-1891

BACKGROUND

The Audit Committee assists the Metro Council in reviewing accounting policies and reporting practices as they relate to the Metro's Comprehensive Annual Financial Report. The Committee provides independent review and oversight of the government's financial reporting processes, internal controls and independent auditors.

The new member listed in Exhibit A serves in a voting capacity.

ANALYSIS/INFORMATION

1. **Known Opposition:** none

2. **Legal Antecedents:**

Metro Code Chapter 2.19, "Metro Advisory Committees," provides generally applicable rules for the creation of committees providing advice to the Metro Council and appointment of members to such committees.

Metro Ordinance 10-1233 for the Purpose of Establishing an Audit Committee and Amending Metro Code Section 2.15.080 External Audits and Adding a New Metro Code Section 2.19.250 Audit Committee.

3. **Anticipated Effects:**

By approving Resolution No. 15-4653, the Metro Council will confirm appointment of Damien Hall to the Audit Committee.

4. **Budget Impacts:** None

RECOMMENDED ACTION

The Council President recommends adoption of Resolution No. 15-4653.

Agenda Item No. 3.6

Consideration of Council Meeting Minutes on October 8,
2015

Consent Agenda

Metro Council Meeting
Thursday, October 15, 2015
Metro Regional Center, Council Chamber

Agenda Item No. 4.1

Ordinance No. 15-1367, For the Purpose of Annexing to
the Metro District Boundary Approximately 16 Acres
Located at 26585 NW Evergreen Road, East of NE Sewell
Avenue and West of NW 264th Avenue in North Hillsboro

Ordinances (First Read)

Metro Council Meeting
Thursday, October 15, 2015
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING TO THE) Ordinance No. 15-1367
METRO DISTRICT BOUNDARY APPROXI-)
MATELY 16 ACRES LOCATED AT 26585 NW) Introduced by Chief Operating Officer
EVERGREEN ROAD, EAST OF NE SEWELL) Martha J. Bennett with the Concurrence of
AVENUE AND WEST OF NW 264TH AVENUE) Council President Tom Hughes
IN NORTH HILLSBORO.)

WHEREAS, The City of Hillsboro has submitted a complete application for annexation of approximately 16 acres ("the territory") located at 26585 NW Evergreen Rd, east of NE Sewell Avenue and west of NW 264th Avenue in North Hillsboro to the Metro District; and

WHEREAS, the Metro Council added the area to the UGB, including the territory, by Ordinance No. 05-1070A on November 17, 2005; and

WHEREAS, Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan requires annexation to the district prior to application of land use regulations intended to allow urbanization of the territory; and

WHEREAS, Metro has received consent to the annexation from the owners of the land in the territory; and

WHEREAS, the proposed annexation complies with Metro Code 3.09.070; and

WHEREAS, the Council held a public hearing on the proposed amendment on October 15, 2015; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro District Boundary Map is hereby amended, as indicated in Exhibit A, attached and incorporated into this ordinance.
2. The proposed annexation meets the criteria in section 3.09.070 of the Metro Code, as demonstrated in the Staff Report dated October 2, 2015, attached and incorporated into this ordinance.

ADOPTED by the Metro Council this _____ day of November, 2015.

Tom Hughes, Council President

Attest:

Approved as to form:

Alexandra Eldridge, Recording Secretary

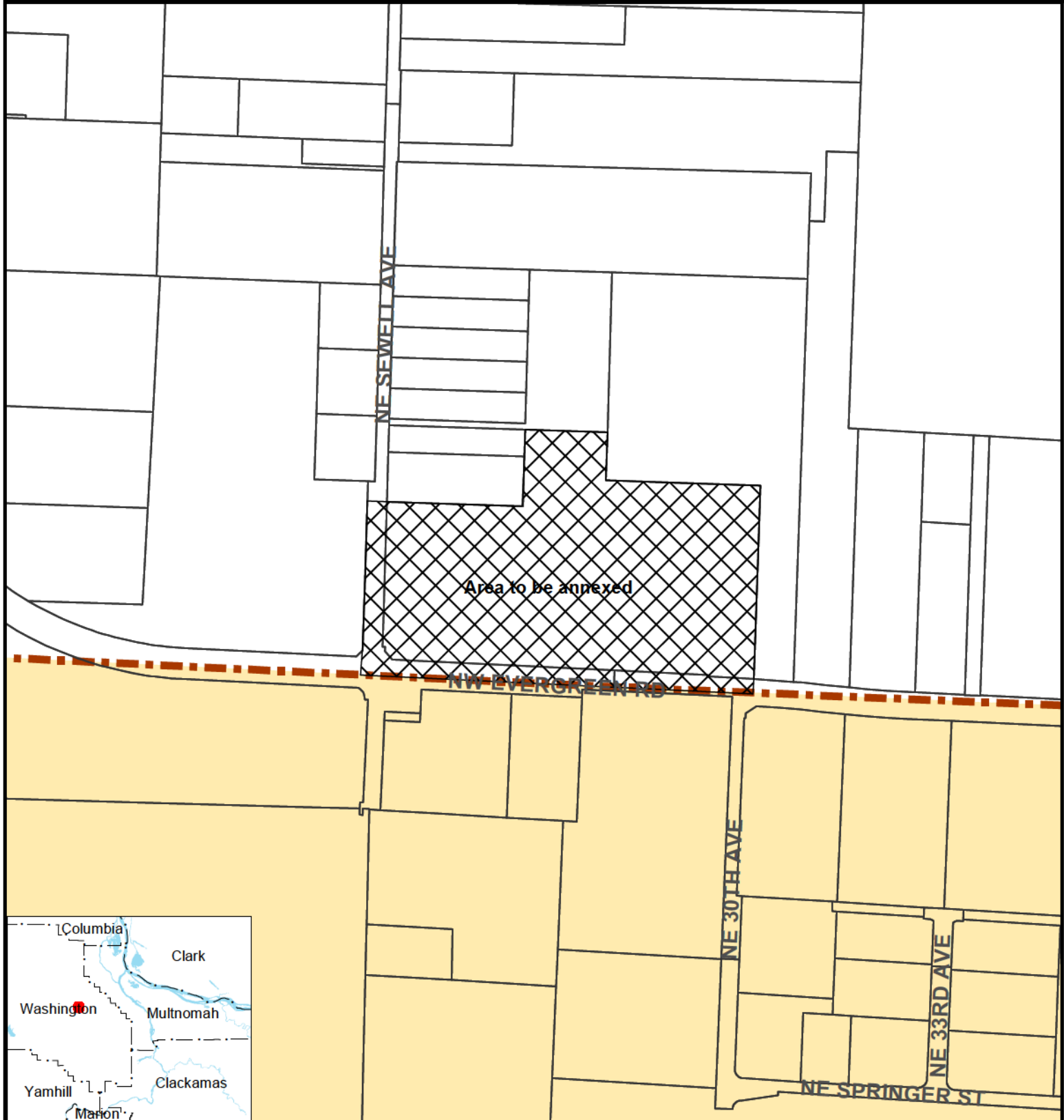
Alison R. Kean, Metro Attorney

Proposal No. AN-0615





1N2W20

Annexation to the Metro District Boundary

Washington County



Research Center
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742
<http://www.oregonmetro.gov/drc>

-  Area to be annexed
-  Taxlots
-  Urban growth boundary
-  Metro District Boundary

Proposal No. AN-0615 Metro District Boundary



1:5,000

0 520 1,040 Feet

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STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 15-1367, FOR THE PURPOSE OF ANNEXING TO THE METRO BOUNDARY APPROXIMATELY 16 ACRES LOCATED AT 26585 NW EVERGREEN RD, EAST OF NE SEWELL AVENUE AND WEST OF NW 264TH AVENUE IN NORTH HILLSBORO

Date: September 30, 2015

Prepared by: Rebecca Hamilton
Regional Planner

BACKGROUND

CASE: AN-0615, Annexation to Metro District Boundary

PETITIONER: City of Hillsboro
150 E. Main Street, 5th Floor
Hillsboro, OR 97123

PROPOSAL: The petitioner requests annexation of one parcel to the Metro District boundary. The applicant is currently in the process of annexing the subject property to the Clean Water Services service district.

LOCATION: The parcel is located at 26585 NW Evergreen Rd, east of NE Sewell Avenue and west of NW 264th Avenue in North Hillsboro and totals approximately 16 acres in size. A map of the area can be seen in Attachment 1.

ZONING: The property is zoned for industrial use (I-S) by Hillsboro.

The land was added to the UGB in 2005 and was annexed to the City of Hillsboro in 2012. Its designation as industrial land is consistent with the City of Hillsboro Comprehensive Plan. The land must be annexed into the Metro District for urbanization to occur.

APPLICABLE REVIEW CRITERIA

The criteria for an expedited annexation to the Metro District Boundary are contained in Metro Code Section 3.09.070.

3.09.070 Changes to Metro's Boundary

(E) The following criteria shall apply in lieu of the criteria set forth in subsection (d) of section 3.09.050. The Metro Council's final decision on a boundary change shall include findings and conclusions to demonstrate that:

- 1. The affected territory lies within the UGB;*

Staff Response:

The subject parcel was brought into the UGB in 2005 through the Metro Council's adoption of Ordinance No. 05-1070A.

2. *The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services; and*

Staff Response:

The conditions of approval for Ordinance No. 05-1070A include a requirement that the City of Hillsboro apply interim protection measures for areas added to the UGB as outlined in Urban Growth Management Functional Plan Title 11: Planning for New Urban Areas. Title 11 requires that new urban areas be annexed into the Metro District Boundary prior to urbanization of the area. Washington County applied the Future Development 20 (FD-20) zone to the expansion area. The subject property was annexed to Hillsboro in August 2012. The applicant is currently moving forward with annexation to Clean Water Services. These measures ensured that urbanization would occur only after annexation to the necessary service districts is completed.

3. *The proposed change is consistent with any applicable cooperative or urban service agreements adopted pursuant to ORS Chapter 195 and any concept plan.*

Staff Response:

The property proposed for annexation is consistent with Hillsboro's Comprehensive Plan, adopted by the City of Hillsboro in 1977 and amended through January 2015. The proposed annexation is required by Hillsboro prior to urbanization. The inclusion of the property within the Metro District is consistent with applicable cooperative urban service agreements.

ANALYSIS/INFORMATION

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

Legal Antecedents: Metro Code 3.09.070 allows for annexation to the Metro District boundary.

Anticipated Effects: This amendment will add approximately 16 acres to the Metro District. The land is currently within the UGB and within the City of Hillsboro. Approval of this request will allow for the urbanization of the parcels to occur consistent with the Comprehensive Plan.

Budget Impacts: The applicant was required to file an application fee to cover all costs of processing this annexation request, thus there is no budget impact.

RECOMMENDED ACTION

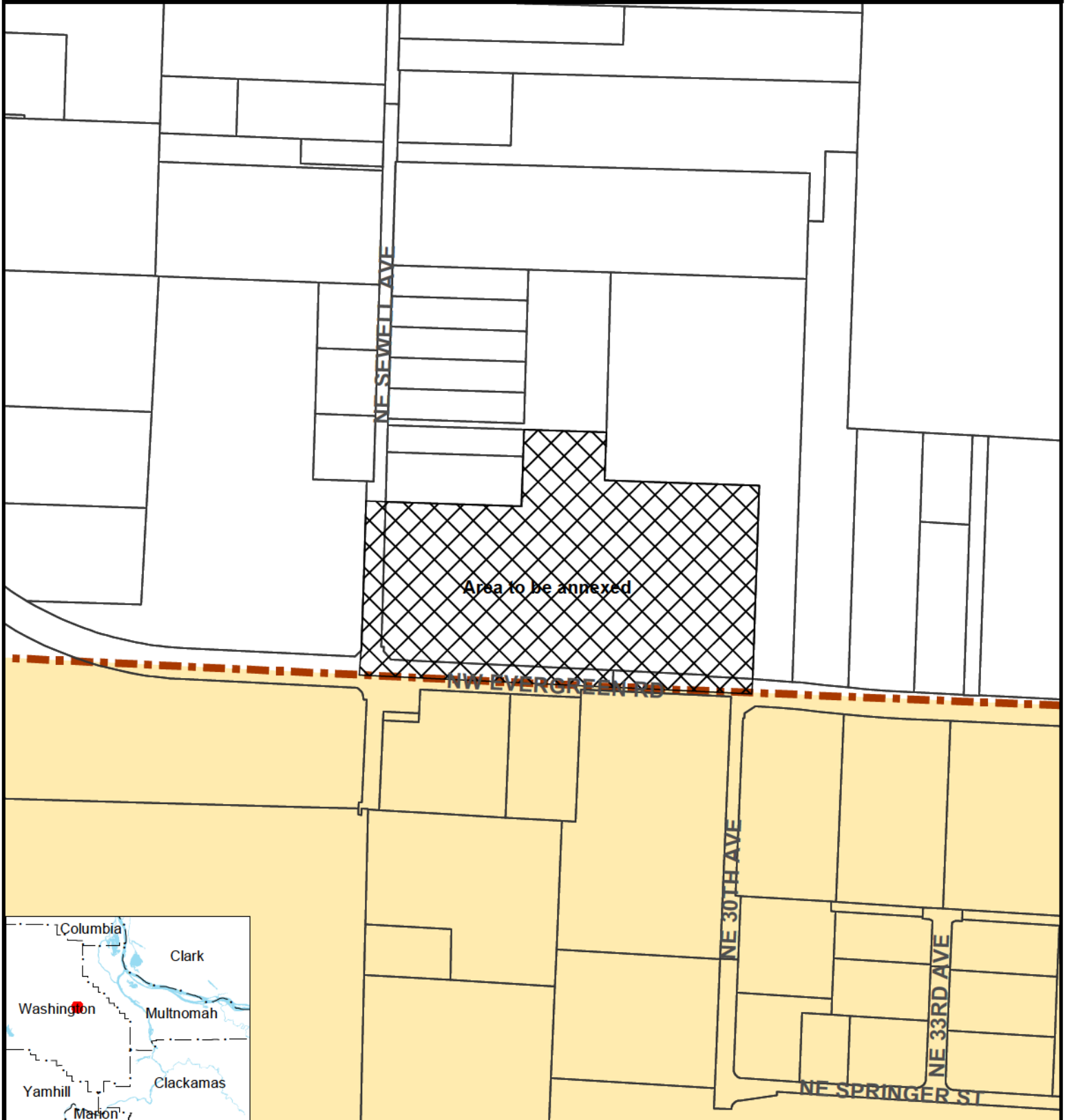
Staff recommends adoption of Ordinance No. 15-1367.

Proposal No. AN-0615





1N2W20

Annexation to the Metro District Boundary

Washington County



Research Center
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742
<http://www.oregonmetro.gov/drc>

-  Area to be annexed
-  Taxlots
-  Urban growth boundary
-  Metro District Boundary

Proposal No. AN-0615 Metro District Boundary

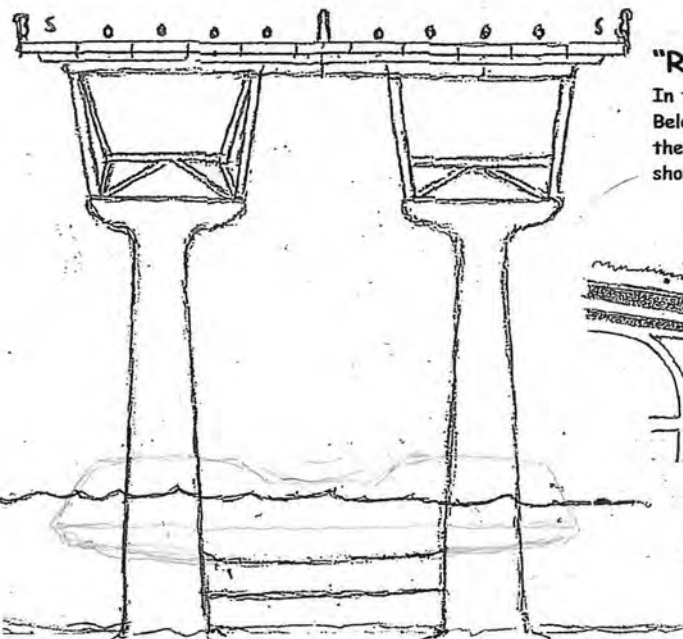
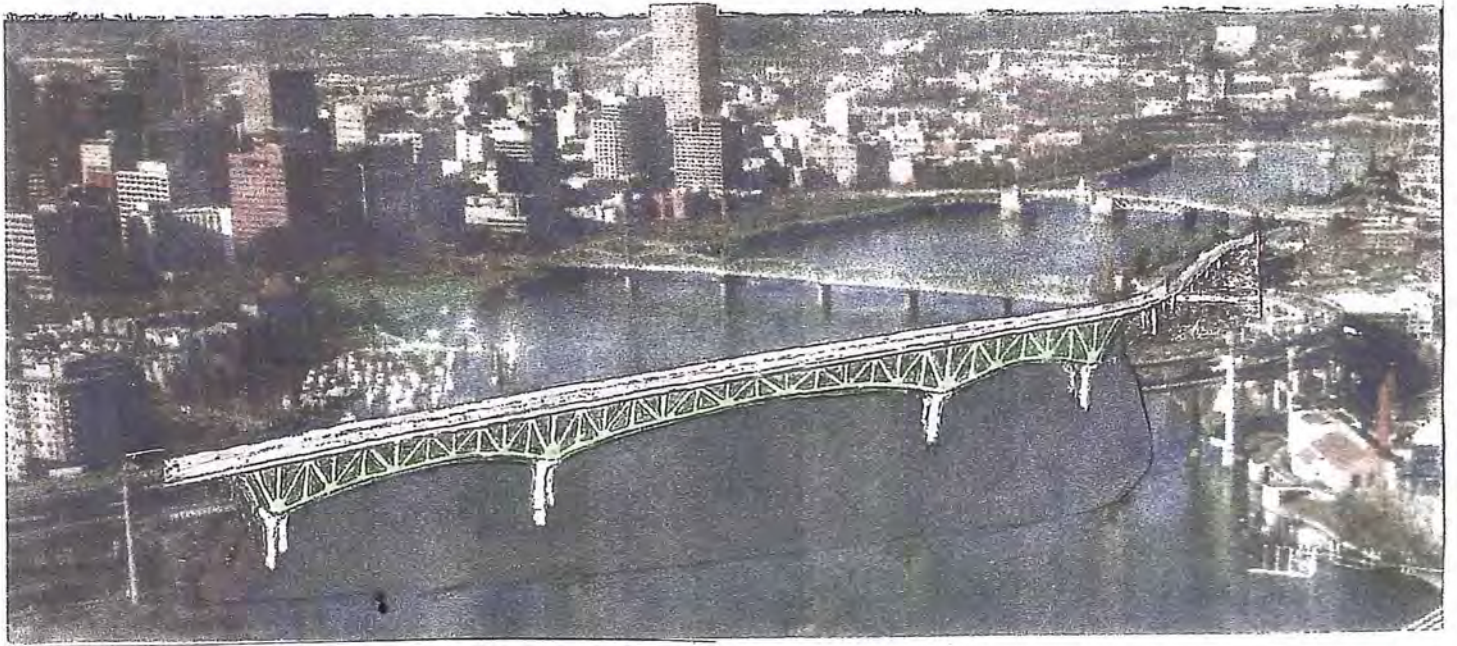
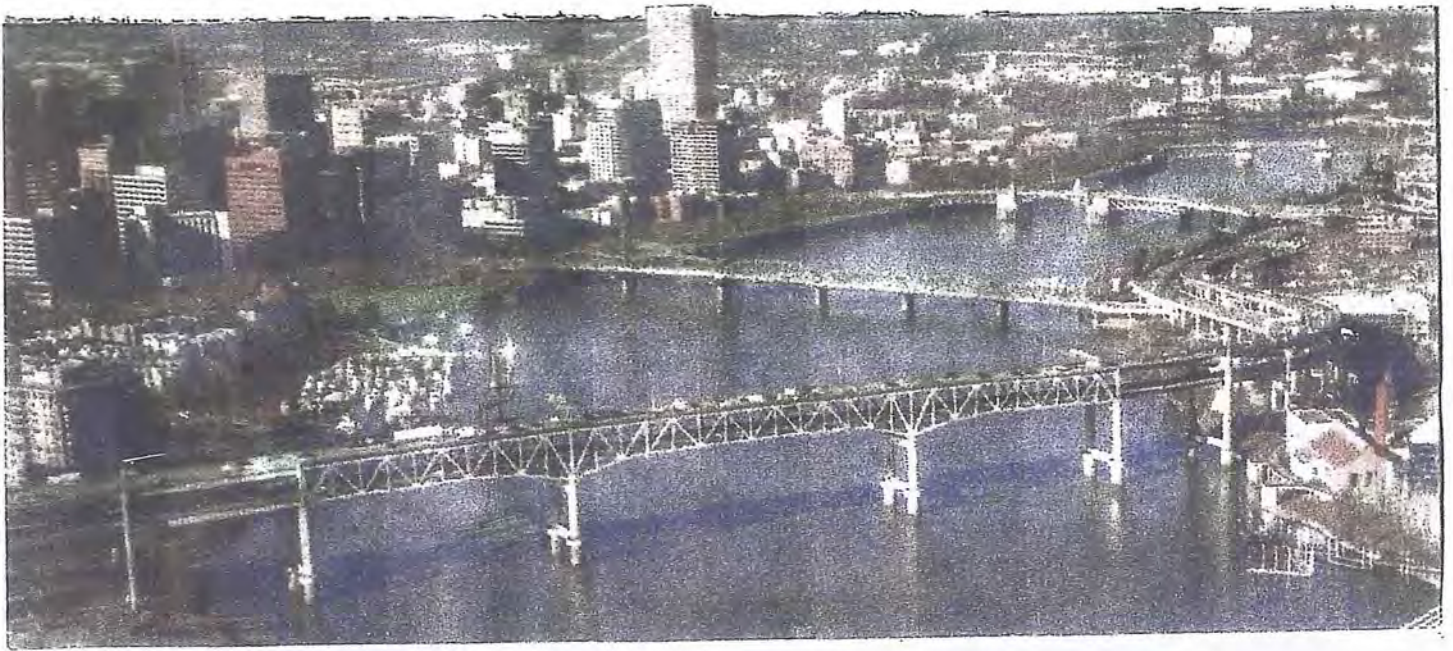


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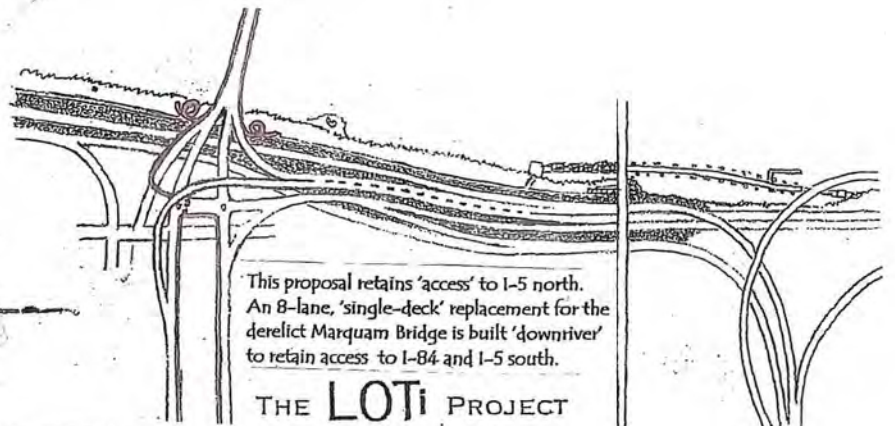
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Materials following this page were distributed at the meeting.



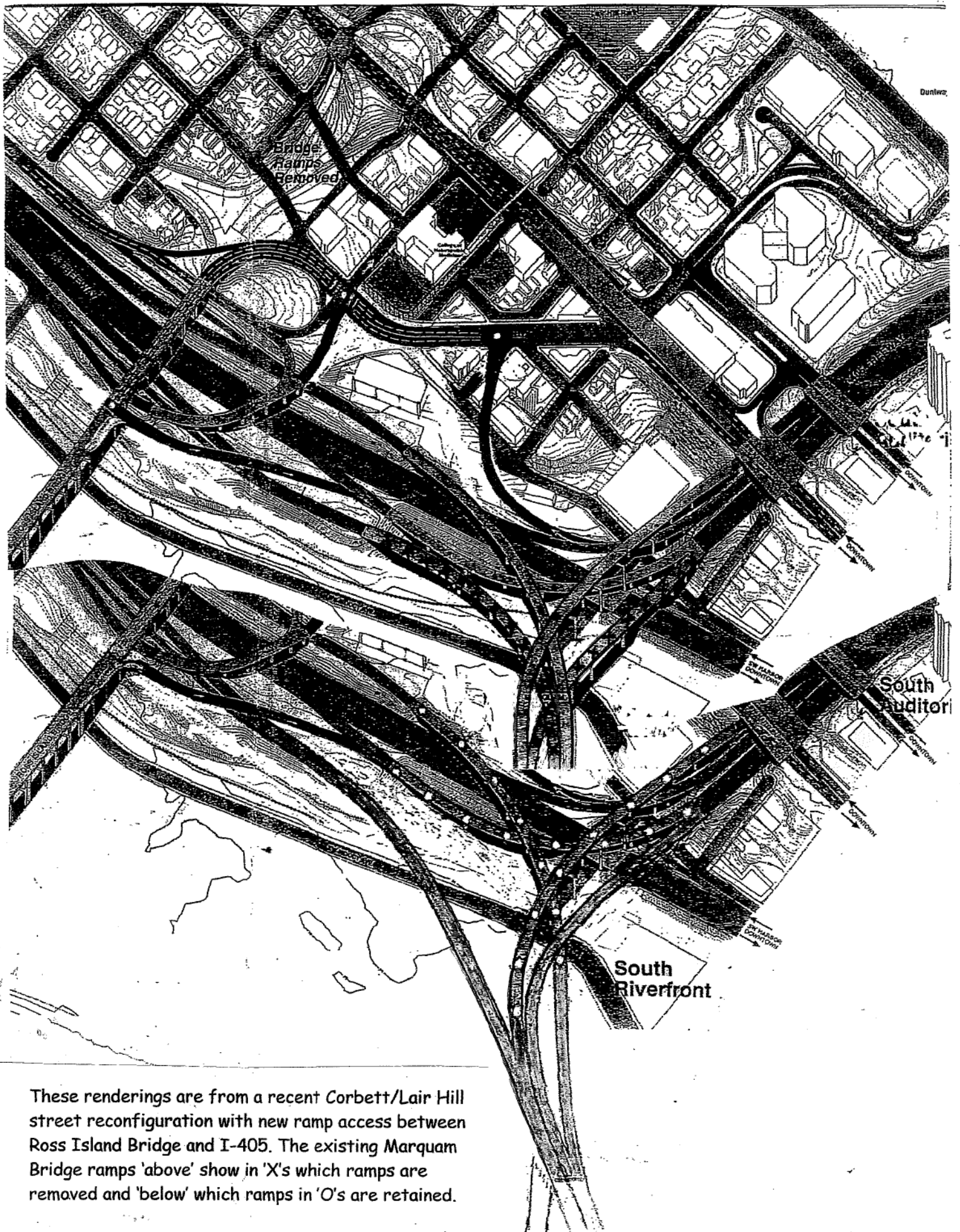
"Retro" Marquam Bridge replacement.

In the 1960's, if a 'single-deck' design were selected, it might look like this. Below, a Morrison/Belmont Viaduct 'bridgehead interchange' design reconfigures the eastbank segment of I-5. Note the new access to I-84 from this interchange should divert I-84 bound traffic off Grand Ave north of Morrison.



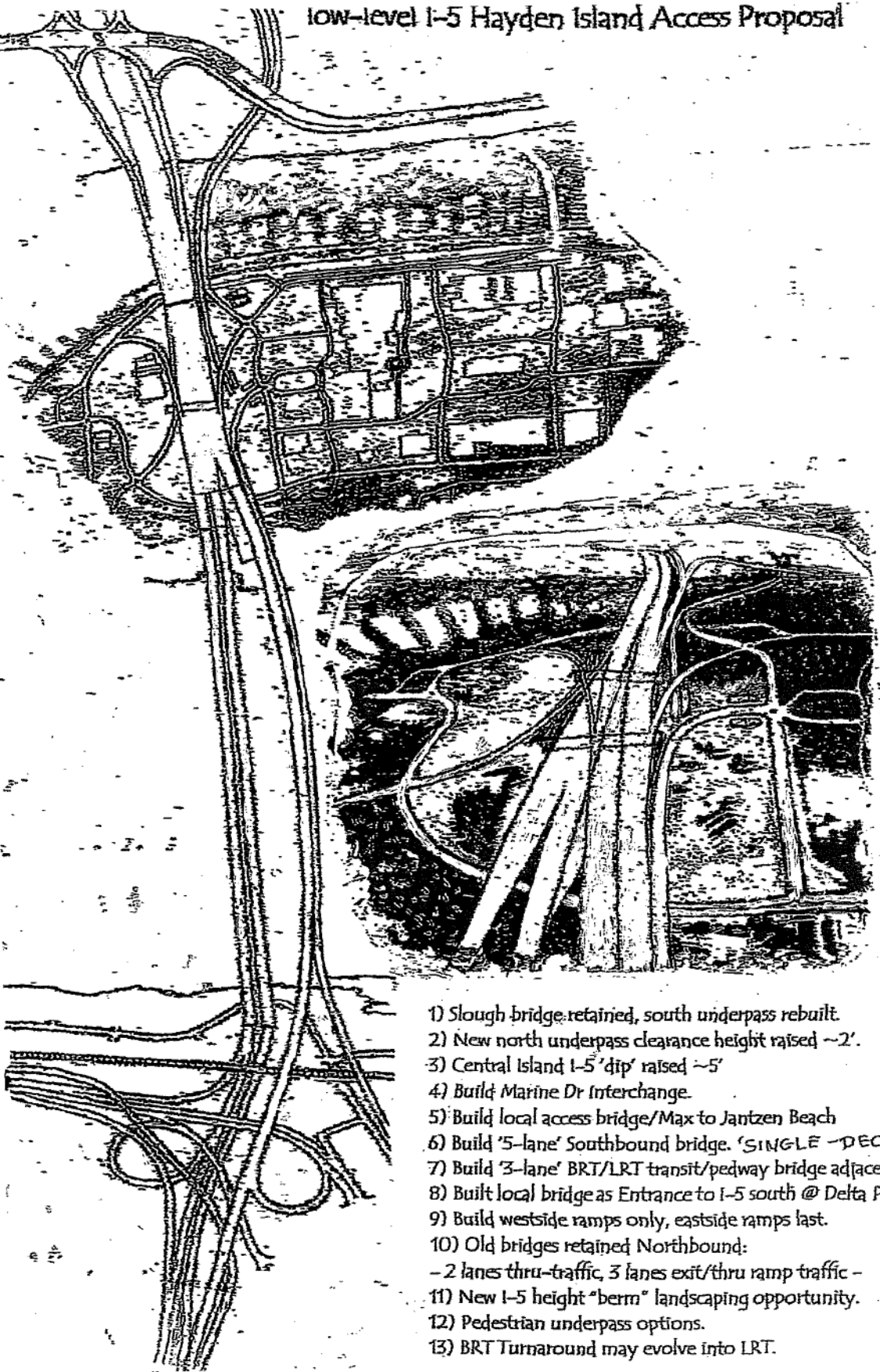
This proposal retains 'access' to I-5 north. An 8-lane, 'single-deck' replacement for the derelict Marquam Bridge is built 'downriver' to retain access to I-84 and I-5 south.

THE LOTi PROJECT



These renderings are from a recent Corbett/Lair Hill street reconfiguration with new ramp access between Ross Island Bridge and I-405. The existing Marquam Bridge ramps 'above' show in 'X's which ramps are removed and 'below' which ramps in 'O's are retained.

low-level I-5 Hayden Island Access Proposal



- 1) Slough bridge retained, south underpass rebuilt.
- 2) New north underpass clearance height raised ~2'.
- 3) Central Island I-5 'dip' raised ~5'.
- 4) Build Marine Dr Interchange.
- 5) Build local access bridge/Max to Jantzen Beach.
- 6) Build '5-lane' Southbound bridge. 'SINGLE DECK'.
- 7) Build '3-lane' BRT/LRT transit/pedway bridge adjacent.
- 8) Build local bridge as Entrance to I-5 south @ Delta Park.
- 9) Build westside ramps only, eastside ramps last.
- 10) Old bridges retained Northbound:
 - 2 lanes thru-traffic, 3 lanes exit/thru ramp traffic -
- 11) New I-5 height "berm" landscaping opportunity.
- 12) Pedestrian underpass options.
- 13) BRT Turnaround may evolve into LRT.



MAKING A GREAT PLACE



Part of Metro's Regional Snapshot Speaker Series. Learn more about the Snapshots at

oregonmetro.gov/snapshot

True Affordability

1 to 2:30 p.m.

Monday, Oct. 19

Metro Regional Center

A presentation on the combined cost of housing and transportation - and what it means for affordability in the region.

We've all heard the mantra: "Drive 'til you qualify." As housing prices rise throughout the Portland region, many people are looking to the outer fringes of the region - and beyond - to find homes that they can afford.

But as distance increases, so do transportation costs. In many cases, the combined cost of car payments, maintenance and gas required to make long commutes is enough to offset the savings of living further out.

Scott Bernstein, President of the Center for Neighborhood Technology (CNT), has popularized the concept of using the H+T (Housing + Transportation) Index as a more comprehensive way of determining affordability. Scott will give a demonstration of the online tool that he created with the CNT that enables people to easily calculate their combined housing and transportation costs and gain a better understanding of the true affordability of their neighborhood. He will also share ideas on how communities can use the index and other tools to capture the economic value of sustainable development.

Co-sponsored by:



Metro Regional Center

Council Chamber

600 NE Grand Ave., Portland

Metro is accessible via Green, Red and Blue MAX lines, the A + B Loop streetcar and the No. 6 bus. Bike parking is available on the premises. Car parking is available at the Metro garage on NE Grand & Irving for \$6.

Scott Bernstein

As president and co-founder, Scott leads the Center for Neighborhood Technology's work to understand and better disclose the economic value of resource use in urban communities, and helps craft strategies to capture the value of this efficiency productively and locally.

Scott has led the development of the Housing and Transportation Affordability Index, the Location Efficient Mortgage, and GIS-based maps showing the location of transportation-related carbon emissions - online tools that can be used to advance key policy goals, including affordable housing, active transportation and reduced greenhouse gas emissions.



Scott was a founding board member of the Brookings Institution Metropolitan Center and co-founded the Center for Transit-Oriented Development and the Surface Transportation Policy Partnership.