

# Metro | Agenda

Meeting: Metro Council  
Date: Thursday, November 19, 2015  
Time: 2:00 p.m.  
Place: Metro Regional Center, Council Chamber

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## CALL TO ORDER AND ROLL CALL

### 1. CITIZEN COMMUNICATION

2. **NATURAL AREAS PROGRAM PERFORMANCE  
OVERSIGHT COMMITTEE REPORT PRESENTATION** **Peter Mohr,  
Jordan Ramis, PC**

### 3. CONSENT AGENDA

- 3.1 **Resolution No. 15-4664**, For the Purpose of Amending the Fiscal Year 2015-16 Unified Planning Work Program (UPWP) to Include the 2016 STP Funds for Use on the Powell/Division Corridor Plan
- 3.2 Consideration of Council Meeting Minutes on November 12, 2015

### 4. RESOLUTIONS

- 4.1 **Resolution No. 15-4638**, For the Purpose of Approving a Sole Source Contract The Intertwine **Kathleen Brennan-Hunter,  
Metro  
Mike Wetter, The Intertwine  
Alliance**
- 4.2 **Resolution No. 15-4655**, For the Purpose of Amending FY 2015-16 Budget and Appropriations Schedule and FY 2015-16 Through 2019-20 Capital Improvement Plan to Provide for a Change in Operations **Tim Collier, Metro  
Kathy Rutkowski, Metro**

### 5. ORDINANCES (SECOND READ)

- 5.1 **Ordinance No. 15-1367**, For the Purpose of Annexing to the Metro District Boundary Approximately 16 Acres Located at 26585 NW Evergreen Road Between NE Sewell Avenue and NW 264<sup>th</sup> Avenue in North Hillsboro **Rebecca Hamilton, Metro**

### 6. PUBLIC HEARING (3:30 PM TIME CERTAIN)

Urban Reserves Designations in Clackamas County Areas 4A, 4B, 4C, and 4D **John Williams, Metro  
Roger Alfred, Metro**

### 7. CHIEF OPERATING OFFICER COMMUNICATION

### 8. COUNCILOR COMMUNICATION

ADJOURN

**Television schedule for November 19, 2015 Metro Council meeting**

<b>Clackamas, Multnomah and Washington counties, and Vancouver, WA</b> Channel 30 – Community Access Network <i>Web site:</i> <a href="http://www.tvctv.org">www.tvctv.org</a> <i>Ph:</i> 503-629-8534 Call or visit web site for program times.	<b>Portland</b> Channel 30 – Portland Community Media <i>Web site:</i> <a href="http://www.pcmtv.org">www.pcmtv.org</a> <i>Ph:</i> 503-288-1515 Call or visit web site for program times.
<b>Gresham</b> Channel 30 - MCTV <i>Web site:</i> <a href="http://www.metroeast.org">www.metroeast.org</a> <i>Ph:</i> 503-491-7636 Call or visit web site for program times.	<b>Washington County and West Linn</b> Channel 30– TVC TV <i>Web site:</i> <a href="http://www.tvctv.org">www.tvctv.org</a> <i>Ph:</i> 503-629-8534 Call or visit web site for program times.
<b>Oregon City and Gladstone</b> Channel 28 – Willamette Falls Television <i>Web site:</i> <a href="http://www.wftvmedia.org/">http://www.wftvmedia.org/</a> <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](http://www.oregonmetro.gov) and click on public comment opportunities.

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

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Agenda Item No. 2.0

Natural Areas Program Performance Oversight Committee  
Report Presentation

*Presentation*

Metro Council Meeting  
Thursday, November 19, 2015  
Metro Regional Center, Council Chamber



# Gaining ground

A report to the community from the Natural Areas Program Performance Oversight Committee

*The Natural Areas Program continued gaining ground on achieving the outcomes of the bond program during the last year, building on the strong work accomplished in previous years.*

Metro's Natural Areas Program buys land from willing sellers and supports projects in local communities to protect wildlife habitat, preserve and restore regional watersheds, and increase access to nature for the people who live in the three-county region.

In 2006, Portland-area voters approved a \$227.4 million bond measure to fund the Natural Areas Program. Each year, as stipulated in the bond, the Natural Areas Program Performance Oversight Committee has provided independent citizen review to guide the program. At regular meetings with Metro staff, they ensure that projects and acquisitions funded with taxpayer dollars are managed well, staffed appropriately, utilize effective tools and performance measures, and meet the bond's defined goals.

This report from the Oversight Committee to voters and the Metro Council considers the progress of the program during FY 2015 from July 1, 2014 through June 30, 2015.

The committee has found that each of the three primary components of the program meets or exceeds the goals set in 2006. This is apparent from the following summary of program status and expenditures.

## **Regional acquisition**

**\$168.4 million to acquire 3,500-4,500 acres from willing sellers in 27 target areas**

Acquisition expenditures were approximately \$12 million in FY 2015. Total expenditures for acquisitions stand at \$144 million, or 84 percent of the total \$168.4 million allocation. To date, 5,286 acres have been protected.

## **Local share**

**\$44 million allocated to local governments for park improvement projects and locally important acquisitions**

Local share expenditures were approximately \$700,000 in FY 2015. Cumulatively, local share expenditures stand at nearly \$41 million or 93 percent of the total \$44 million allowance.

## **Nature in Neighborhoods capital grants**

**\$15 million for grants to community groups, nonprofits and local governments for projects that "re-green" or "re-nature" neighborhoods**

The Metro Council awarded \$2.1 million to seven new projects in FY 2015. Cumulatively, \$14.2 million has been awarded to 47 projects. Of the total \$15 million allocation, 91 percent has been committed.



## REGIONAL ACQUISITION

Metro acquires land – in 20 natural areas and seven trail/greenway corridors – from target areas identified in the 2006 bond measure.

Since 2007, 5,286 acres have been acquired and protected, substantially surpassing the overall acreage goal of the 2006 bond.

This year, Metro acquired 374 acres of natural areas. Those acquisitions include sites in two target areas that have been slow to come available:

- 246 acres in the Wapato Lake target area that will increase opportunities for long-term habitat restoration in the region and protect water quality.
- Five acres, important for connectivity, located between Metro's Cooper Mountain Nature Park and several Tualatin Hills Park and Recreation District parks in Beaverton.

Other FY 2015 acquisitions are significant because they allow for more public access to nature, such as an 11.5-acre property adjacent to Metro's Newell Creek Canyon holdings in Oregon City. The property offers an improved trailhead option.

This year Metro also added 48 acres that support implementation of the Regional Trails Plan including land along the Westside Trail and the Tualatin and Willamette river greenways.

## Quarterly topics and discussion

At the March 2015 meeting, the committee discussed what happens when properties no longer fit within Metro's management portfolio. Metro has sold two of the more than 400 sites acquired in the 1995 and 2006 bond measures, because they no longer fit its criteria. Staff explained the process for declaring a property surplus and then selling it. Proceeds are returned to the acquisition fund

The committee reviewed staff's proposal to sell six additional properties and suggested improvements to criteria that staff were using to address concerns about overall public benefit, cost of future maintenance, water quality and connectivity.

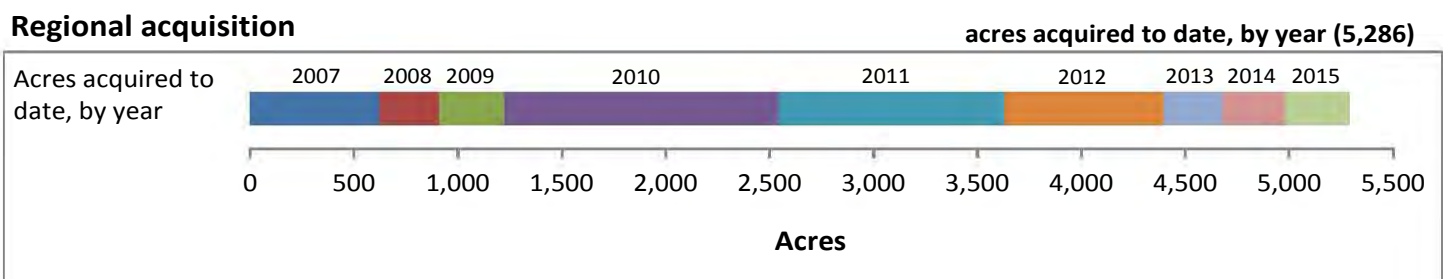
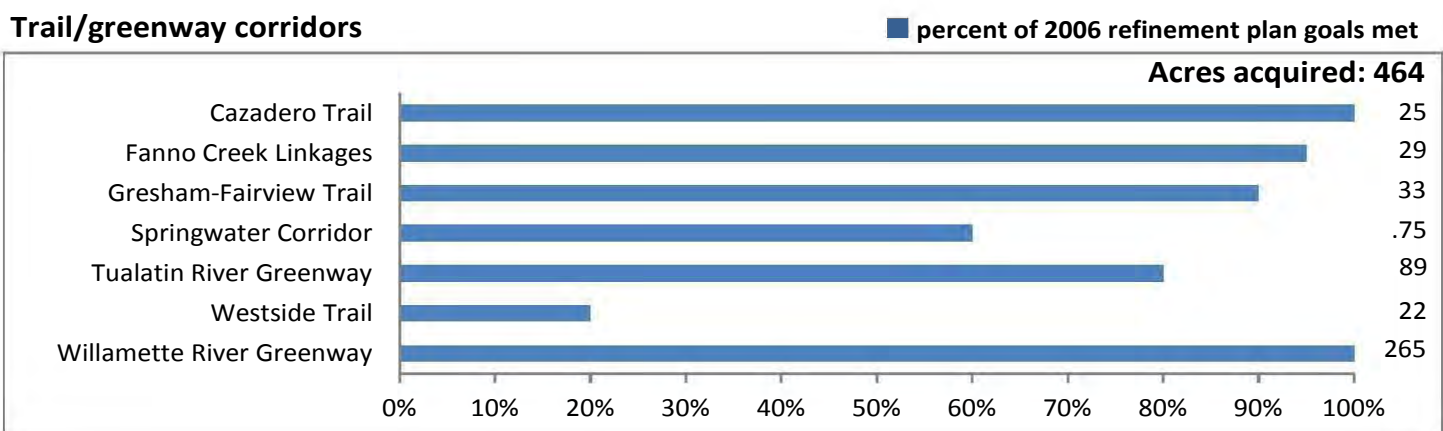
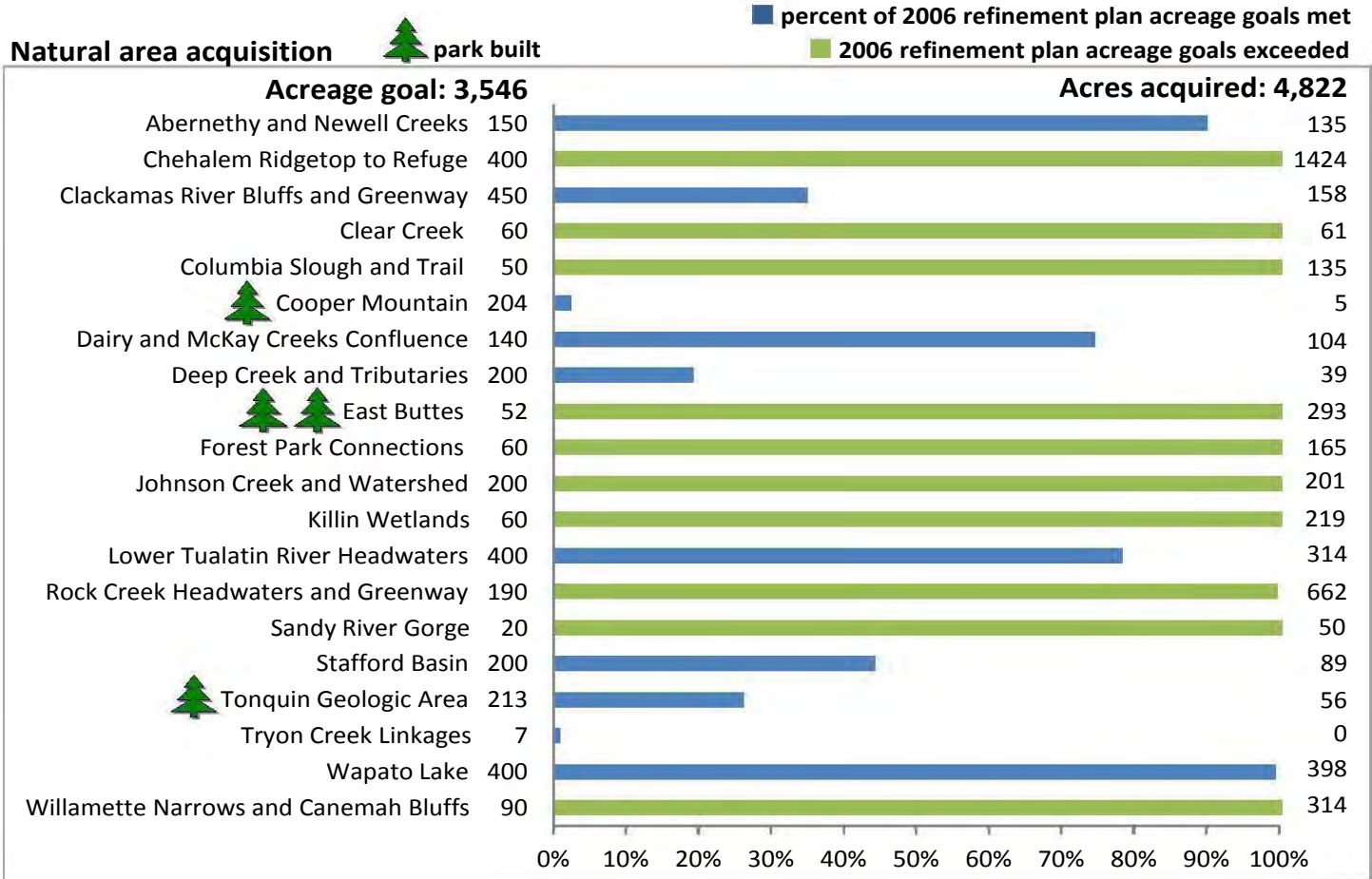
## Conclusion and recommendations

The Oversight Committee is satisfied that the acquisition program has exceeded its acreage target within the bond's 8-10 year timeframe and encourages Metro staff to keep trying new strategies to acquire properties in target areas where acquisitions have lagged.

The committee should work with staff to develop performance measures specific to trail acquisitions and projects.

*Our next target for improvement can be measuring and monitoring the effectiveness of trail acquisitions – setting measurement goals for trails that are different from acreage to better measure how effectively we're using money for trails and connectors. –Dean Alterman, committee member*

## DASHBOARD REPORT HIGHLIGHTS



## LOCAL SHARE

Under the Local Share component of the bond, \$44 million is distributed on a per capita basis to 28 cities, counties and park providers within the Metro region to fund local acquisitions, restoration projects and trail and park improvement projects.

In FY 2015, local share expenditures were approximately \$700,000. At the June 2015 meeting, staff reported that \$41 million or 93 percent of the local share funds had been expended.

Intergovernmental agreements with local jurisdictions were renewed in March 2015 for one additional year. Staff is still working with local partners to complete their projects. Local projects have been delayed because of limited staff capacity, unavailability of willing sellers or time needed to complete project master plans. A few local governments have changed their projects due to these factors, and anticipate progress with new, approved projects.

As of June 2015, local share funds have been used to acquire 105 properties, enhance 17 trails and improve 49 parks across the region.

## Quarterly topics and discussion

Staff provided a report of the year's local share expenditures at the March 2015 meeting. Natural area acquisitions – 661 acres acquired so far – represent nearly half of the local share funds allocated and spent.

Overall, 17 sites throughout the region have been acquired for park use; these range from small pocket parks to a large sports complex.

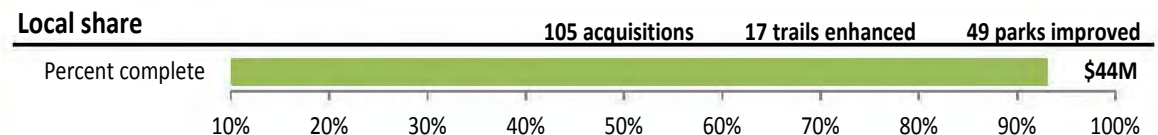
To date Metro's local share partners have leveraged their bond funds to gain nearly \$37.5 million in funding from other sources.

## Conclusion and recommendations

With 93 percent of funds expended, the local share program is winding down. The committee should continue to monitor expenditures and progress using staff-provided reports.

The committee supports staff's approach of extending the intergovernmental agreements between Metro and its local partners to allow them to utilize remaining local share funds.

## DASHBOARD REPORT HIGHLIGHTS



## NATURE IN NEIGHBORHOODS CAPITAL GRANTS

Nature in Neighborhoods capital grants are made to neighborhood associations, schools, non-profits and community groups for projects that preserve or restore water quality and wildlife habitat, or increase the presence of nature in urban environments.

An Oversight Committee member participates on the Capital Grants Review Committee to assess proposed projects and provide additional accountability to voters.

This year saw the eighth round of grant applications. Ten applicants sought \$3.8 million in funding from approximately \$2.5 million in available funds.

The grants review committee recommended seven of these projects for funding for a total of \$2,138,183 and the Metro Council approved these grants in July 2015. This brings the total approved projects to 47 – although three have been declared infeasible and were withdrawn.



Of the total \$15 million allocation for capital grants, 91 percent has been committed with \$1.4 currently available for future awards.

### Quarterly topics and discussion

So far 11 projects have been completed for expenditures of approximately \$5 million. Staff expect that the remaining projects will be mostly completed by the end of 2019. Project schedules can be long because of the need to raise matching funds, issues with permitting, agency schedules or unforeseen budget increases.

At the June 2015 meeting, staff told the committee that an Oregon Fellow sponsored by Portland State University and Metro will interview grant recipients this fall about the impact of Metro's investments through the program.

The Capital Grants program was envisioned as a tool to explore how investments in the region's more developed areas can contribute to regional conservation as well as healthy communities. Therefore, the

study will explore how awarded projects have addressed the objectives of the bond measure and advanced Metro's desired outcomes for a livable region.

The committee discussed staff transition as both the capital grants and local share programs wind down. The programs share the cost of one full time position and significant work remains in managing capital grant project contracts and IGAs.

*After tough discussions about which projects hewed most closely to the ideas of "re-naturing" and "re-greening," I feel that capital grants were awarded to the most appropriate projects.*

**—Norm Penner, capital grants committee liaison**

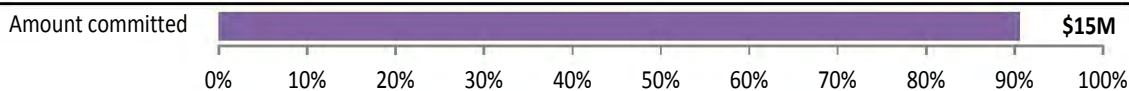
### Conclusion and recommendations

The Nature in Neighborhoods Capital Grants program is winding down but ongoing projects still require active management and review. The committee should continue to assess projects for adherence to performance measures and ensure that the program is adequately staffed.

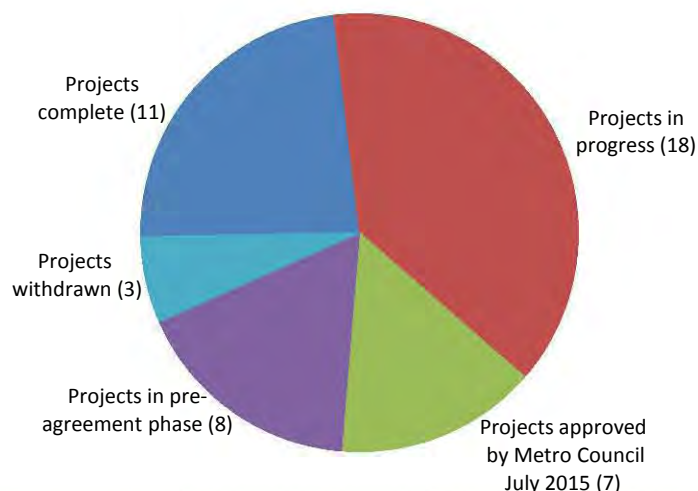
## DASHBOARD REPORT HIGHLIGHTS

### Nature in Neighborhoods capital grants

40 projects awarded



## CAPITAL GRANTS PROJECT STATUS



## OTHER OVERSIGHT COMMITTEE REVIEW

### STABILIZATION AT ACQUIRED SITES

For every property it acquires Metro develops a stabilization plan that outlines how to ensure the site is put on a trajectory towards long-term ecological health. Measures called for include removal of invasive species (such as Scot's broom, English ivy and blackberries) and unwanted structures or enhancements to make sure the property is stable before it enters Metro's inventory of properties awaiting restoration, maintenance or other improvements.

At the December 2014 meeting the committee asked if Metro tracks costs per acre for acquisitions and stabilization. Going forward, stabilization costs will be easier to analyze because they will be entered into Terramet – Metro's database for the Natural Areas program.

By June 2015, the Terramet database was linked to on-the-ground action for restoration and maintenance work allowing staff to make more accurate cost-estimates in the future.

The committee reviews a report about stabilization work underway at new properties each quarter.

### WILLAMETTE FALLS

The committee requested additional information about the use of \$5 million in bond funds for the Willamette Falls project in Oregon City. This year, Metro received a donated riverfront easement from the property owner, Falls Legacy, LLC. Portland General Electric donated an option allowing a riverside walkway to be built across part of its dam, offering the best view of the falls.

A team has been chosen to design the Riverwalk, which will allow the public close-up views of the falls for the first time in a century, and will link to future private development at the site.

### PARKS AND NATURE SYSTEM PLAN

Staff are gathering stakeholder input and working with partners to draft a comprehensive guidance plan for Metro's 17,000+ acres of parks, natural areas and trails. The plan will provide a systematic framework for, and outline the future of, Metro's property portfolio. A final document will be presented to the Metro Council in early 2016.

### ADMINISTRATIVE COSTS/COST ALLOCATIONS

The committee reviewed cost allocation, as it does every year, and found practices to be consistent with previous years.

### UNUSUAL CIRCUMSTANCES

The bond has an unusual circumstances provision for property transactions that fall outside the due diligence guidelines. These transactions require authorization by the Metro Council.

In August 2014, the Oversight Committee collaborated with staff to update the Natural Areas Implementation Work Plan recommending more flexibility for negotiators and additional criteria for acquisitions.

Staff subsequently reported to the committee that the modified work plan has reduced the number of unusual circumstance transactions and has increased the efficiency of the acquisition process. Three transactions were approved by the Metro Council under the unusual circumstances provision this fiscal year and, in keeping with past practice, were reviewed by the Oversight Committee.

*The challenge for Metro in the coming years will be whether or not they can keep or enhance the quality of site conditions over time with increased public access and natural resource pressures such as climate change.*

**–Kendra Smith,  
committee member**

## ADDITIONAL BOND INVESTMENTS

Approximately \$15-\$20 million of bond funds have been dedicated to accelerate work on capital projects included in bond refinement plans and approved by the Metro Council in November 2014. The work includes access projects in several target areas, including East Buttes and Chehalem Ridge.

At the March 2015 meeting the Oversight Committee discussed whether this was an allowable use of funds and were satisfied, after checking bond language, that although the focus of the bond program to date has been on acquisition, its terms allow for making limited improvements with bond funds to provide public access or increase use and enjoyment of sites within the bond's target areas.

Additional parks and nature planning and communications staff will need to be hired to support the additional bond investment projects.

The committee will continue to review these additional program costs and ensure staffing levels are appropriate.

## THE YEAR AHEAD

In the coming year, the Oversight Committee will follow up on the recommendations made in this report and will continue to assess and monitor program operations.

### Conclusion and recommendations

The committee should conduct an annual review of stabilization practices, outcomes and costs.

The committee praised the flexibility and innovation in the Willamette Falls Legacy Project's acquisition process and should continue to review use of bond funds for the project.

The committee should continue to work with staff to review and provide input to the Parks and Nature System Plan.

The committee should continue to monitor the application of unusual circumstances in land acquisition transactions annually.

The committee should monitor progress of the new capital construction projects and should work with staff to devise effective performance measures for these investments.

The committee should review staff capacity to ensure it is sufficient for implementing all aspects of the Natural Areas Program.

*With Metro's continuing purchases, it secures green spaces for recreational use, water quality and animal habitat for future generations. Properly managed and protected, Metro's portfolio of properties will be a Godsend to our children, and theirs.*

**—Bill Drew, committee member**



## About Metro

Whether your roots in the region run generations deep or you moved to Oregon last week, you have your own reasons for loving this place- and Metro wants to keep it that way. Help shape the future of the greater Portland region and discover tools, services and places that make life better today.

[oregonmetro.gov](http://oregonmetro.gov)

### Metro Council President

Tom Hughes

### Metro Councilors

Shirley Craddick, District 1  
Carlotta Collette, District 2  
Craig Dirksen, District 3  
Kathryn Harrington, District 4  
Sam Chase, District 5  
Bob Stacey, District 6

### Auditor

Brian Evans

## OVERSIGHT COMMITTEE MEMBERS

Drake Butsch, Chair	Builder's Services Manager/Vice President, First American Title Insurance
Dean Alterman	Attorney, Folawn Alterman & Richardson LLP
Bill Drew	Attorney, Elliott, Ostrander & Preston, PC
Autumn Hickman	Senior Vice President, Commercial Real Estate, Northwest Bank
Walt McMonies	Attorney, Lane Powell, Attorneys & Counselors
Rick Mishaga	Wildlife Ecologist, Environmental Consultant (Retired)
Peter D. Mohr	Attorney, Jordan Ramis, PC
Shawn Narancich	Executive Vice President of Research, Ferguson Wellman Capital Management
Norm Penner	Board and Nature Committee Chair, Washington County Visitors Association/ Member, Tualatin River Watershed Council
Kendra Smith	Director, Willamette Model Watershed, Bonneville Environmental Foundation

## SEEKING NEW MEMBERS

Composed of community members from throughout the region, the committee currently has vacancies to fill and is seeking new members from the finance, auditing, accounting, real estate, banking, grant making, planning and law fields. Additionally, the committee seeks members representing community-based organizations and nonprofit partners to help ensure the program fulfills the bond program goals.

### HOW TO LEARN MORE

We encourage you to learn more about Metro's Parks and Nature programs and how you can be involved by visiting the Metro website.

We also welcome your feedback about what you would like to hear from us next year. Are there specific areas of concern or processes you think we should focus on? Please contact us with any ideas, suggestions or questions.

#### Website

[oregonmetro.gov/nature](http://oregonmetro.gov/nature)

#### Email

[ParksAndNature@oregonmetro.gov](mailto:ParksAndNature@oregonmetro.gov)

#### Phone

503-797-1545

Turn to Metro's quarterly magazine, Our Big Backyard, for all your nature news and other regional highlights, including feature stories, field guides, Q&As, upcoming events, a photography contest and much more.

[oregonmetro.gov/parksandnaturenews](http://oregonmetro.gov/parksandnaturenews)

*I'm impressed with the organization of the staff, with how effectively they are fulfilling their mission. Every indication I have is that they are moving ahead and doing the right thing. –Walt McMonies, committee member*



Agenda Item No. 3.1

**Resolution No. 15-4664**, For the Purpose of Amending the  
Fiscal Year 2015-16 Unified Planning Work Program (UPWP) to  
Include the 2016 STP Funds for Use on the Powell/Division  
Corridor Plan

*Consent Agenda*

Metro Council Meeting  
Thursday, November 19, 2015  
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE FISCAL	)	RESOLUTION NO. 15-4664
YEAR 2015-16 UNIFIED PLANNING WORK	)	
PROGRAM (UPWP) TO INCLUDE 2016 STP	)	Introduced by Chief Operating Officer
FUNDS FOR USE ON THE POWELL/DIVISION	)	Martha Bennett with the concurrence of
CORRIDOR PLAN		Council President Tom Hughes

WHEREAS, the Unified Planning Work Program (UPWP) describes all Federally-funded transportation planning activities for the Portland-Vancouver metropolitan area to be conducted in FY 2015-16; and

WHEREAS, the FY 2015-16 UPWP indicates Federal funding sources for transportation planning activities carried out by Metro, Southwest Washington Regional Transportation Council, Clackamas County and its cities, Multnomah County and its cities, Washington County and its cities, TriMet, and the Oregon Department of Transportation; and

WHEREAS, approval of the FY 2015-16 UPWP is required to receive Federal transportation planning funds; and

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) and Metro Council approved the 2015-16 UPWP update in May of 2015; and

WHEREAS, this resolution amends the FY 2015-16 UPWP to include \$507,427 of 2016 STP funds currently programmed in the Corridor and Systems Planning account to the Powell/Division Corridor Plan; and

WHEREAS, all Federally-funded transportation planning projects for the Portland-Vancouver metropolitan area must be included in the FY 2015-16 UPWP; now therefore

BE IT RESOLVED that the Metro Council hereby amends the FY 2015-16 UPWP to include \$507,427 currently programmed in the Corridor and Systems Planning account to the Powell/Division Corridor Plan as shown in the attached Exhibit A.

ADOPTED by the Metro Council this \_\_\_\_ day of 2015.

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Tom Hughes, Council President

Approved as to Form:

---

Alison R. Kean, Metro Attorney

## **Powell/Division Transit Corridor Plan**

### **Description:**

The Powell/Division Corridor Transit Implementation Plan will coordinate land use and transportation planning efforts to develop an investment strategy that defines a transit project for a Small Starts application, develops supportive land use actions and identifies and prioritizes related projects to stimulate community and economic development. The transit project would connect several low income areas, with major education and workforce training sites including Portland State University, Oregon Health & Science University, Portland Community College and Mount Hood Community College as well as Portland and Gresham job centers. This corridor extends from Central City Portland east to Gresham in the vicinity of Powell Boulevard and Division Street.

The transit corridor plan will inform and help define the transit route, stop locations and connections and identify land use actions and investments to support livable communities. Outcomes of these efforts will be implemented by local jurisdictions. A transit alternatives assessment will further define the mode, route, service, transit and associated pedestrian, bicycle and roadway improvements needed to provide high quality and high capacity transit service in this corridor. The alternative assessment process is expected to identify a project for an application for Small Starts funding and the initiation of environmental approvals under the National Environmental Policy Act (NEPA).

### **Objectives:**

- Develop transit solution that efficiently serves high demand corridor in the near term while recognizing the limited local capital and operational funding for near term implementation.
- Develop a Powell/Division Corridor community investment strategy that identifies and prioritizes needed projects to serve locally desired land uses and stimulate community and economic development centered on a transit line.
- Establish agreements on local, regional and state actions to support implementation of the community investment strategy.
- Develop multi-modal solutions that distribute both benefits and burdens of growth, support active lifestyles and enhance the natural environment.
- Actively engage public in developing the criteria to prioritize transportation investments and land use changes
- Conduct transit alternatives assessment to determine the best mode, alignment, associated service changes and capital improvements of a high capacity bus route.
- Initiate environmental approvals under the National Environmental Policy Act (NEPA).
- Incorporate refined transportation planning into RTP.

### **Previous Work:**

#### **Multi-modal Corridor Refinement**

The 2000 Regional Transportation Plan (RTP) identified a significant transportation need in 18 corridors but specified that additional work was needed before a specific project could be implemented. In FY 2000-01, the Corridor Initiatives Program prioritized completion of the corridor plans and refinements. Per that recommendation, Metro initiated and led corridor studies including the Powell/Foster corridor. The phase I Powell/Foster plan was completed and the findings were adopted by JPACT and the Metro Council in FY 2003/04.

In winter 2005, Metro again consulted with regional jurisdictions to identify the next priority corridor(s) for commencement of planning work. Based on the consultation, in winter 2005/06, JPACT and Metro Council approved a corridor planning work plan update, which called for initiation of five new corridor plans in the next five years. In winter 2007/08, Metro commenced work on one of the corridor planning efforts identified in that work program, the Regional High Capacity Transit System Plan.

As part of the regional Transportation Plan update, in 2009, Metro worked with technical committees and local

jurisdictions to identify and prioritize remaining corridor needs. Five corridors were found to need refinements and a phased approach was established to accomplish all remaining refinement plans by 2020. Mobility Corridor #15 (East Multnomah County connecting I-84 and US 26) and Mobility Corridors #2 and # 20 (in the vicinity of I-5/Barbur Blvd, from Portland Central City southward to approximately the “Tigard Triangle”) were designated as the next priorities based on technical factors, as well as local urgency and readiness.

The East Metro Connections and Southwest Corridor Plans commenced shortly thereafter and will be completed in June and December 2012 respectively. The East Metro Connections Plan includes a study of bus service issues, including bus rapid transit (BRT) route from central Portland to Mount Hood Community College within the Powell / Division corridor.

### **High Capacity Transit Corridors**

In July 2009, the Metro Council adopted the Regional High Capacity Transit (HCT) System Plan. The HCT plan identifies and prioritizes corridors for implementation based on a set of evaluation criteria consistent with the goals of the RTP and the region’s 2040 growth concept. The HCT plan was adopted by the region as part of the Regional Transportation Plan in June 2010. In July 2011, the Joint Policy Advisory Committee on Transportation (JPACT) and Metro Council adopted the High Capacity Transit System Plan Expansion Policy guidelines to further describe the process for moving projects forward.

Both the HCT plan and the system expansion policy identify Portland Central City to Gresham in the vicinity of Powell Corridor as a Near-Term regional priority corridor. The rigorous HCT process included the application of 25 evaluation criteria approved by the Metro Council and Joint Policy Advisory Committee on Transportation. System Expansion policy targets were applied to both the SW and Powell corridors. While on many measures such as transit

supportive land use and community support, regional network connectivity and integrated transportation system development, the corridors scored equally, Powell measured higher in Housing and Transportation Affordability Benefit and Region 2040 Connections. The SW corridor scored higher on TOTAL corridor ridership and funding potential.

The SW corridor is currently in an AA process. Given the strong land use, community support, current ridership, and housing needs, the Powell corridor is appropriate for a corridor plan this time. This plan should consider current limits in regional and corridor financial capacity, partnership opportunities, and future growth potential to determine the right range of short and long term transportation solutions.

### **East Metro Connections Plan**

The East Metro Connections Plan (EMCP) included a recommendation for future study of HCT in the Powell/Division Corridor. A BRT in the Powell/Division corridor has strong regional and jurisdictional support. The recommendations from the EMCP study included detailed transit findings from the analysis and near term implementation plans.

### **Methodology**

This project will build on previous work including the Powell/Foster study (Metro, 2004), the Outer Powell Boulevard Conceptual Design Plan (City of Portland, 2011) and the East Metro Connections Plans work. In 2013-14 the project partners will work collaboratively to develop the land use and transportation scope(s) and budget(s).

The project scope will be to improve the land use and transportation conditions and mobility in the Powell/Division Corridor to support vibrant communities with transportation that helps to sustain economic prosperity, healthy ecosystems, and community assets; minimizes contributions to global warming; and enhances quality of life. This work program will start with locally identified land use plans and priorities and economic development strategies. The transportation analyses will identify measures to support the land use strategies and improve mobility (particularly transit) in the corridor. Metro will be the local lead agency that will

consider and compare various transit alternatives, including mode, alignment / routing, service and capital improvements, as well as a no build scenario. The work program is expected to take approximately 18-24 months to complete depending on funding and partner preferences.

### **Tangible Products Expected in FY 2014-16**

- Evaluation and refinement of promising options and related transportation improvements and land use investments (Summer 2014)
- Conceptual design of transit alternative(s) (Spring 2015)
- Traffic and Transportation technical report (Spring 2015)
- Land use and development technical report (Spring 2015)
- Draft and Final Transit and Development Action Plan (Fall 2015)
- Environmental scan and initiation of NEPA class of action (Winter 2016)

**Entities Responsible for Activity: [to be finalized as part of scoping/chartering]**

Metro – Lead Agency  
 Oregon Department of Transportation –  
 cooperate/collaborate TriMet – cooperate/collaborate  
 Corridor Jurisdictions (including Cities of Portland and Gresham and Multnomah County) -  
 cooperate/collaborate

**Schedule for Completing Activities:**

Please refer to schedule information provided in the *Objectives* and *Tangible Products* sections of this planning activity description.

**Funding History:**

<b>Fiscal Year</b>	<b>Total Budget</b>	<b>FTE Comparison</b>
2012-13	\$221,775	0.96
2013-14	\$441,348	2.455

**FY 2014-15 Costs and Funding Sources:**

<b>Requirements:</b>			<b>Resources:</b>		
Personal Services	\$	345,083	Powell/Division STP	\$	771,226
Interfund Transfers	\$	339,293		\$	
Materials & Services	\$	86,850			
<i>TOTAL</i>	\$	<b>771,226</b>	<i>TOTAL</i>	\$	<b>771,226</b>
<b><u>Full-Time Equivalent Staffing</u></b>					
Regular Full-Time FTE		2.58			
<i>TOTAL</i>		<b>2.58</b>			

**FY 2015-16 Costs and Funding Sources:**

<b>Requirements:</b>			<b>Resources:</b>		
Personal Services	\$		Powell/Division STP	\$	
Interfund Transfers	\$			\$	
Materials & Services	\$				
<i>TOTAL</i>	\$		<i>TOTAL</i>	\$	
<b><u>Full-Time Equivalent Staffing</u></b>					
Regular Full-Time FTE					
<i>TOTAL</i>					

## **STAFF REPORT**

IN CONSIDERATION OF RESOLUTION NO. 15-4664, FOR THE PURPOSE OF AMENDING THE FY 2015-16 UNIFIED PLANNING WORK PROGRAM (UPWP) TO INCLUDE 2016 STP FUNDS FOR USE ON THE POWELL/DIVISION CORRIDOR PLAN.

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Date: September 15, 2015

Prepared by: Chris Myers  
(503) 813-7554

### **BACKGROUND**

On May 14, 2015, the Metro Council adopted the FY 2015-16 Unified Planning Work Program (UPWP) via Resolution No. 15-4664 ("FOR THE PURPOSE OF ADOPTING THE FISCAL YEAR 2015-16 UNIFIED PLANNING WORK PROGRAM AND CERTIFYING THAT THE PORTLAND METROPOLITAN AREA IS IN COMPLIANCE WITH THE FEDERAL TRANSPORTATION PLANNING REQUIREMENTS").

This resolution is an amendment to the FY 2015-16 UPWP to include \$507,427 of Corridor and Systems Planning funds from the 2016 STP for use on the Powell/Division Corridor Plan. This change in project budget requires a legislative amendment as the amount of new funds exceeds \$200,000. Per federal requirements, all transportation planning projects that are federally funded are required to be included in the UPWP. The UPWP project narrative for the Powell/Division Corridor Plan is included as Exhibit A.

The effort to develop the Portland region's first BRT under the Small Starts program is collaboratively funded. Each of the project partners (TriMet, ODOT, Portland, Gresham and Multnomah County) are contributing cash and in-kind services that count as match towards the overall capital cost of the Powell Division BRT. Metro is committing the region's Next Corridor funds to support this collaborative effort over the next two years. After two years, the Next Corridor funds will be targeted towards a new investment area that will be identified by JPACT and the Metro Council.

The Powell/Division Corridor Transit Implementation Plan will coordinate land use and transportation planning efforts to develop an investment strategy that defines a transit project for a Very Small or Small Starts application, develops supportive land use actions and identifies and prioritizes related projects to stimulate community and economic development. The transit project would connect several low income areas, with major education and workforce training sites including Portland State University, Oregon Health & Science University, Portland Community College and Mount Hood Community College as well as Portland and Gresham job centers. This corridor extends from Central City Portland east to Gresham in the vicinity of Powell Boulevard and Division Street.

### **ANALYSIS/INFORMATION**

1. **Known Opposition** – No known opposition



2. **Legal Antecedents** – Metro Council Resolution No. 15-4664: FOR THE PURPOSE OF ADOPTING THE FISCAL YEAR 2015-16 UNIFIED PLANNING WORK PROGRAM AND CERTIFYING THAT THE PORTLAND METROPOLITAN AREA IS IN COMPLIANCE WITH THE FEDERAL TRANSPORTATION PLANNING REQUIREMENTS, adopted by the Metro Council on May 14, 2015.
3. **Anticipated Effects** – Approval will mean that grants can be submitted and contracts executed so work can commence on this project between now and June 30, 2016, in accordance with established Metro priorities.
4. **Budget Impacts** – None anticipated.

#### **RECOMMENDED ACTION**

Approve Resolution No. 15-4664 and amend the FY 2015-16 UPWP.

Agenda Item No. 3.2

Consideration of Council Meeting Minutes on November 12,  
2015

*Consent Agenda*

Metro Council Meeting  
Thursday, November 19, 2015  
Metro Regional Center, Council Chamber

Agenda Item No. 4.1

**Resolution No. 15-4638**, For the Purpose of Approving a Sole  
Source Contract The Intertwine

*Resolutions*

Metro Council Meeting  
Thursday, November 19, 2015  
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING A SOLE	)	RESOLUTION NO. 15-4638
SOURCE CONTRACT WITH THE INTERTWINE	)	
ALLIANCE	)	Introduced by Chief Operating Officer Martha Bennett in concurrence with Council President Tom Hughes

WHEREAS, pursuant to ORS 279A.060 and Metro Code 2.04.010 the Metro Council is designated as the Public Contract Review Board for the agency; and

WHEREAS, Metro Code 2.04.062 requires Council approval for contracts awarded without competitive bidding when it has been determined that the goods or services are available from only one source; and

WHEREAS, the Parks and Nature Director has determined that hiring The Intertwine Alliance to convene community leaders, develop and implement projects with Metro partners and communicate the importance of the region's parks, trails and natural areas is in the best interests of Metro; and

WHEREAS, The Intertwine Alliance is uniquely positioned as an entity designed and prepared to devote its efforts and energy to providing the services required by Metro. There is currently no other entity in the region whose membership is comprised of nearly all the local, regional and state natural area, parks, trails, and conservation providers and advocates, organized for the sole purpose of supporting and performing these services. It would therefore be impractical to compete this contract; and

WHEREAS, the specialized knowledge, experience and expertise of The Intertwine Alliance warrants the use of a sole source contract, and is in accordance with the Oregon Public Contracting Code dealing with sole source procurements (ORS 279B.075); and

WHEREAS, the activities included in this contract will continue and build upon the successes and proven results of Metro's previous partnership and support of The Intertwine Alliance; now therefore,

BE IT RESOLVED that the Metro Council acting as the Public Contract Review Board authorizes the Parks and Nature Director to negotiate and execute a sole source contract with The Intertwine Alliance.

ADOPTED by the Metro Council this \_\_\_\_ day of November 2015.

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Tom Hughes, Council President

Approved as to Form:

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Alison R. Kean, Metro Attorney

## STAFF REPORT

### IN CONSIDERATION OF RESOLUTION NO. 15-4638, FOR THE PURPOSE OF APPROVING A SOLE SOURCE CONTRACT WITH THE INTERTWINE ALLIANCE.

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Date: Nov. 19, 2015

Prepared by: Heather Nelson Kent

## BACKGROUND

Incorporated as a non-profit organization in 2011, The Intertwine Alliance (Alliance) has grown a remarkable coalition of more than 140 public, private and non-profit organizations working together to plan, build and protect the region's network of parks, trails and natural areas and to create opportunities for residents to connect with nature.

The Intertwine Alliance serves as a regional convener. As part of its contract with Metro, the Alliance will convene Alliance members, support networking, research and programming; help expand and protect The Intertwine. The Alliance will support the success of Metro's Parks and Nature Programs along with Alliance partners around the region who are working to build support for a world-class system of parks, trails and natural areas in the greater Portland area.

The Alliance has the required knowledge and expertise to perform this work, and the Parks and Nature Director and Procurement Officer feel that they are uniquely qualified for this contract. Therefore, it is recommended that a sole source contract be awarded without a competitive RFP process.

The scope of services to be performed is included as Attachment 1.

## ANALYSIS/INFORMATION

1. **Known Opposition** None known.
2. **Legal Antecedents** Metro Code 2.04.062, 2.04.010, ORS 279A.060, ORS 279B.075.
3. **Anticipated Effects** Procurement process will be expedited, allowing for a contract to be executed promptly and consultant can begin working with Metro staff and Alliance partners to implement Metro's scope of work.
4. **Budget Impacts** The cost of these services is not anticipated to exceed \$50,000.

## **RECOMMENDED ACTION**

Metro Council, acting as Public Contract Review Board, approves the use of a sole source contract with The Intertwine Alliance.

## **Intertwine Alliance - Metro Contract Scope of Work**

**FY 15-16**

### **General scope of work**

The Intertwine Alliance will serve as a regional convener, and create and implement collaborative branding, strategy, communications, networking, research and programming in order to expand and protect The Intertwine, our region's interconnected network of parks, trails and natural areas. The Alliance and Metro will work together to support the success of Metro's Parks and Nature Programs along with Alliance partners around the region who are working to build this world-class system.

### **Scope of work specific to 2015-16:**

The Alliance will work in partnership with Metro to strengthen partnerships and funding in support of The Intertwine through the following key activities/contract deliverables. In each of these areas of focus, the Alliance will seek opportunities to align with, and support, Metro's current priorities, including development of the agency's System Plan, equity/inclusion strategies, implementation of the Regional Conservation Strategy, implementation of a resident engagement strategy, and projects to build and promote a regional trails network.

### **Regional Conservation Strategy and Metro's System Plan**

The Alliance will manage projects that help implement the Regional Conservation Strategy and support the further development and maintenance of our region's network of parks, trails and natural areas. Working in partnership with Metro, The Alliance will complete the following:

- Assist with project management and leadership for a study tour of the East Bay Regional Parks District in October of 2015. Assist with program, enrollment, and logistics.
- Support conservation leaders in following up on the Regional Conservation Strategy through ongoing meetings.
- Create forums and summits where Metro's system plan project can be presented and discussed.



**Metro coordination:** The Alliance will coordinate these activities with Metro staff including, but not limited to, Kathleen Brennan-Hunter, Jonathan Soll, Lori Hennings and Heather Nelson Kent.

**Deliverable(s):** *Successful East Bay Study Tour; at least three forums for system plan discussions; successful ongoing meetings and engagement of regional conservation leaders.*

### **Support Metro through strategic leadership of the Alliance**

The Alliance has undertaken a strategic restructuring of the way it provides support to its partners and the community. The new approach is expected to greatly increase the number of organizations directly participating in Intertwine work, clarify The Alliance's role, better leverage Alliance resources, and better support Alliance partners in accomplishing collaborative projects. The Intertwine Alliance will work closely with Metro staff to identify ways this new approach can serve as a platform for Metro leadership, advance Metro's mission, and assist with the implementation of key Metro projects and programs including equity and inclusion, youth engagement, health and nature, the regional system plan, support for operations and maintenance of natural areas, and resident engagement with nature.

**Metro coordination:** The Alliance will coordinate these activities with Metro's Council liaison and Metro staff including, but not limited to, Kathleen Brennan-Hunter and Heather Nelson Kent.

**Deliverable(s):** *Implementation of the new Intertwine Alliance Project Support Model; application of the model to Metro priorities.*

### **Activate the leadership network**

One of the objectives of the Alliance is to strengthen support for parks, trails and natural areas from leadership within all sectors. Outreach to elected officials, federal, state and local governments and park providers, business, media, and civic leaders is essential to this effort. Accordingly, The Intertwine Alliance will meet with leaders from private, public and non-profit sectors to increase their support for Alliance initiatives. Equity and inclusion and funding for parks, natural areas and trails will be among the topics discussed.

The focus for 2015-16 will be to continue to work with community leaders on framing the questions and developing strategies to build stronger grass-roots support. The Alliance will conduct summits in each of the counties in the Metro region in order to: 1) identify and celebrate the successes of parks, trails and natural areas efforts; 2) present a regional vision; 3) make the case for the relevancy and importance of parks, trails and natural areas;

4) identify and discuss the “gaps;” 5) strengthen the network of public, private and nonprofit organizations and leaders; 6) engage elected officials. The summits will provide Metro opportunities to discuss the System Plan with key constituencies.

**Metro coordination:** The Alliance will coordinate these activities with Metro staff including, but not limited to, Councilor Craddick and Kathleen Brennan-Hunter.

**Deliverable(s):** *Summits in each county; targeted meetings with elected, civic and business leaders.*

### **Equity and inclusion strategies**

Both Metro and the Alliance share a commitment to strategies that improve equity and inclusion in parks and conservation programming and services. Using The Alliance’s new Project Support Model as a template, The Alliance will work in partnership with Metro to maintain and update an equity and inclusion strategy that supports Metro and Alliance partners in becoming more diverse and culturally responsive and in addressing inequities in how the benefits of parks, trails and natural areas and associated programming are distributed and accessed. Elements of the strategy may include supporting the region’s parks directors in peer-to-peer learning, anti-racism training, organizational equity assessments, and support in building partnerships with community-based-organizations and organizations of color.

**Metro coordination:** The Alliance will coordinate these activities with Metro staff including, but not limited to Kathleen Brennan-Hunter, Heather Nelson Kent and Patty Unfred.

**Deliverable:** Continue to provide support to The Intertwine Alliance members to advance diversity, equity and inclusion efforts within their organizations and collectively.

### **Resident engagement**

The Alliance and Metro have a commitment to provide the public with information about how they can enjoy and support our region’s network of parks, trails and natural areas. The Alliance will continue its focus on developing and implementing the Our Common Ground campaign and other communications to support The Intertwine. The Alliance will engage youth, families, and communities of color, which are important audiences to both Metro and The Alliance. One communications product will be a digital, interactive map of the region’s network of parks, trails and natural areas. Metro and The Alliance will use The Alliance’s new Project Support Model as a template to define roles and tasks for Metro and The Alliance in their partnership to engage the residents of the region with nature.

**Metro coordination:** Alliance staff will work with Metro staff including, but not limited to, Heather Nelson Kent and Laura Oppenheimer Odom.

**Deliverable(s):** *Develop and implement a work plan outlining tasks and roles for Metro and The Intertwine Alliance as partners in a joint engagement strategy targeted at Metro area residents, with a focus on youth, families and communities of color.*

### **Additional requirements**

#### Publicity

The Alliance will identify Metro as a major sponsor in event media publicity, press releases, etc. and via social media including tagging stories to Metro's social media channels.

[www.facebook.com/oregonmetro](http://www.facebook.com/oregonmetro)

[www.twitter.com/oregonmetro](http://www.twitter.com/oregonmetro), @oregonmetro

Agenda Item No. 4.2

**Resolution No. 15-4655**, For the Purpose of Amending FY  
2015-16 Budget and Appropriations Schedule and FY 2015-16  
Through 2019-20 Capital Improvement Plan to Provide for a  
Change in Operations

*Resolutions*

Metro Council Meeting  
Thursday, November 19, 2015  
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE FY 2015-16 BUDGET AND APPROPRIATIONS SCHEDULE AND FY 2015-16 THROUGH FY 2019-20 CAPITAL IMPROVEMENT PLAN TO PROVIDE FOR A CHANGE IN OPERATIONS	)	RESOLUTION NO 15-4655
	)	
	)	Introduced by Martha Bennett, Chief
	)	Operating Officer, with the concurrence of
	)	Council President Tom Hughes

WHEREAS, the Metro Council has reviewed and considered the need to increase appropriations within the FY 2015-16 Budget; and

WHEREAS, Metro Code chapter 2.02.040 requires Metro Council approval to add any new position to the budget; and

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

WHEREAS, adequate funds exist for other identified needs; and

WHEREAS, ORS 294.463(1) provides for transfers of appropriations within a fund, including transfers from contingency that do not exceed 15 percent of a fund's appropriations, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction, and

WHEREAS, ORS 294.463(3) provides for transfers of appropriations or of appropriations and a like amount of budget resources between funds of the municipal corporation when authorized by an official resolution or ordinance of the governing body stating the need for the transfer, now, therefore,

BE IT RESOLVED,

1. That the FY 2015-16 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Resolution for the purpose of recognizing new grant funds, approving new FTE, and transferring funds from contingency to provide for increased appropriations.
2. That the FY 2015-16 through FY 2019-20 Capital Improvement Plan is hereby amended accordingly.

ADOPTED by the Metro Council this 19<sup>th</sup> day of November, 2015.

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Tom Hughes, Council President

APPROVED AS TO FORM:

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Alison Kean, Metro Attorney

**Exhibit A**  
**Resolution No. 15-4655**

ACCT	DESCRIPTION	Current Budget	Revision	Amended Budget
<b>General Fund</b>				
<b>General Fund - Communications</b>				
	<b><i>Personnel Services</i></b>			
501000	Reg Employees-Full Time-Exempt	1,980,591	55,535	2,036,126
502000	Reg Employees-Part Time-Exempt	72,807	-	72,807
511000	Fringe - Payroll Taxes	173,337	4,668	178,005
512000	Fringe - Retirement PERS	293,546	5,331	298,877
513000	Fringe - Health & Welfare	373,248	10,420	383,668
514000	Fringe - Unemployment	1,048	-	1,048
515000	Fringe - Other Benefits	8,039	218	8,257
519000	Pension Oblig Bonds Contrib	30,927	833	31,760
519500	Fringe - Insurance - Opt Out	-	-	-
	<b>Total Personnel Services</b>	<b>2,933,543</b>	<b>77,005</b>	<b>3,010,548</b>
	<b><i>Materials and Services</i></b>			
520100	Office Supplies	16,530	5,000	21,530
520110	Computer Equipment	-	2,000	2,000
520500	Operating Supplies	4,820	-	4,820
521000	Subscriptions and Dues	3,030	-	3,030
524000	Contracted Professional Svcs	52,360	-	52,360
525100	Utility Services	3,080	-	3,080
526000	Maintenance & Repair Services	5,590	-	5,590
528000	Other Purchased Services	22,590	-	22,590
545000	Travel	2,360	-	2,360
545500	Staff Development	7,860	1,000	8,860
549000	Miscellaneous Expenditures	7,850	-	7,850
	<b>Total Materials and Services</b>	<b>126,070</b>	<b>8,000</b>	<b>134,070</b>
<b>TOTAL REQUIREMENTS</b>		<b>\$3,059,613</b>	<b>\$85,005</b>	<b>\$3,144,618</b>
<b>FTE</b>		<b>24.00</b>	<b>1.00</b>	<b>25.00</b>

**Exhibit A**  
**Resolution No. 15-4655**

ACCT	DESCRIPTION	Current Budget	Revision	Amended Budget
<b>General Fund</b>				
<b>General Fund - General Expenses</b>				
	<b><u>Interfund Transfers</u></b>			
580000	Transfer for Indirect Costs	374,341	-	374,341
581000	Transfer of Resources	19,366,563	60,000	19,426,563
582000	Transfer for Direct Costs	194,000	-	194,000
	<b>Total Interfund Transfers</b>	<b>19,934,904</b>	<b>60,000</b>	<b>19,994,904</b>
	<b><u>Contingency</u></b>			
701001	Contingency - Opportunity Account	274,000	-	274,000
701002	Contingency - Operating	2,248,835	(85,005)	2,163,830
701004	Contingency - Rsv One Time Exp	1,193,907	(60,000)	1,133,907
709000	Contingency - All Other	254,800	-	254,800
	<b>Total Contingency</b>	<b>3,971,542</b>	<b>(145,005)</b>	<b>3,826,537</b>
	<b><u>Unappropriated Fund Balance</u></b>			
801002	Unapp FB - Restricted CET	4,673,924	-	4,673,924
801003	Unapp FB - Restricted TOD	5,139,218	-	5,139,218
805100	Unapp FB - Stabilization Reserve	1,751,520	-	1,751,520
805400	Unapp FB - Reserve for Future Debt Service	1,223,990	-	1,223,990
805450	Unapp FB - PERS Reserve	1,925,587	-	1,925,587
805900	Unapp FB - Other Reserves & Designations	1,594,911	-	1,594,911
	<b>Total Unappropriated Fund Balance</b>	<b>16,309,150</b>	<b>-</b>	<b>16,309,150</b>
<b>TOTAL REQUIREMENTS</b>		<b>\$40,215,596</b>	<b>(\$85,005)</b>	<b>\$40,130,591</b>

**Exhibit A**  
**Resolution No. 15-4655**

ACCT	DESCRIPTION	Current Budget	Revision	Amended Budget
<b>General Asset Management Fund</b>				
<b>General Asset Management Fund</b>				
<b>Revenues</b>				
	<u><b>Beginning Fund Balance</b></u>			
340000	Fund Bal-Unassigned/Undesignated	3,608,800	-	3,608,800
350000	Fund Balance-Assigned	801,579	-	801,579
	<b>Total Beginning Fund Balance</b>	<b>4,410,379</b>	<b>-</b>	<b>4,410,379</b>
	<u><b>Current Revenue</b></u>			
411000	State Grants - Direct	73,250	-	73,250
412000	Local Grants - Direct	109,000	-	109,000
412800	Local Capital Grants	-	72,000	72,000
470000	Interest on Investments	26,930	-	26,930
	<b>Total Current Revenue</b>	<b>209,180</b>	<b>72,000</b>	<b>281,180</b>
	<u><b>Interfund Transfers</b></u>			
497000	Transfer of Resources	2,086,811	60,000	2,146,811
498000	Transfer for Direct Costs	231,908	1,000,000	1,231,908
	<b>Total Interfund Transfers</b>	<b>2,318,719</b>	<b>1,060,000</b>	<b>3,378,719</b>
	<b>TOTAL RESOURCES</b>	<b>\$6,938,278</b>	<b>\$1,132,000</b>	<b>\$8,070,278</b>
<b>Expenditures</b>				
	<u><b>Materials and Services</b></u>			
520100	Office Supplies	9,937	-	9,937
520110	Computer Equipment	28,983	-	28,983
524000	Contracted Professional Svcs	135,000	1,000,000	1,135,000
526100	Capital Maintenance - CIP	216,800	-	216,800
526200	Capital Maintenance - Non-CIP	68,000	-	68,000
	<b>Total Materials and Services</b>	<b>458,720</b>	<b>1,000,000</b>	<b>1,458,720</b>
	<u><b>Capital Outlay</b></u>			
571000	Improve-Other than Bldg	432,225	150,000	582,225
572000	Buildings & Related	1,242,189	-	1,242,189
574000	Equipment & Vehicles	208,000	132,000	340,000
574500	Vehicles	98,821	-	98,821
575000	Office Furn & Equip	535,600	-	535,600
579000	Intangible Assets	333,755	-	333,755
	<b>Total Capital Outlay</b>	<b>2,850,590</b>	<b>282,000</b>	<b>3,132,590</b>
	<u><b>Interfund Transfers</b></u>			
581000	Transfer of Resources	1,311,500	-	1,311,500
	<b>Total Interfund Transfers</b>	<b>1,311,500</b>	<b>-</b>	<b>1,311,500</b>
	<u><b>Contingency</b></u>			
700000	Contingency	2,317,468	(150,000)	2,167,468
	<b>Total Contingency</b>	<b>2,317,468</b>	<b>(150,000)</b>	<b>2,167,468</b>
	<b>TOTAL REQUIREMENTS</b>	<b>\$6,938,278</b>	<b>\$1,132,000</b>	<b>\$8,070,278</b>



**Exhibit A**  
**Resolution No. 15-4655**

ACCT	DESCRIPTION	Current Budget	Revision	Amended Budget
<b>MERC Fund</b>				
<b>MERC Fund</b>				
<b>Expenditures</b>				
	<b>Total Personnel Services</b>	<b>19,860,619</b>	<b>-</b>	<b>19,860,619</b>
	<b>Total Materials and Services</b>	<b>29,652,204</b>	<b>-</b>	<b>29,652,204</b>
	<b><u>Capital Outlay</u></b>			
571000	Improve-Other than Bldg	1,110,000	-	1,110,000
572000	Buildings & Related	5,146,300	89,700	5,236,000
574000	Equipment & Vehicles	1,979,900	-	1,979,900
575000	Office Furn & Equip	112,600	-	112,600
579000	Intangible Assets	45,000	-	45,000
	<b>Total Capital Outlay</b>	<b>8,393,800</b>	<b>89,700</b>	<b>8,483,500</b>
	<b>Total Interfund Transfers</b>	<b>9,001,335</b>	<b>-</b>	<b>9,001,335</b>
	<b><u>Contingency</u></b>			
701002	Contingency - Operating	2,515,000	-	2,515,000
701003	Contingency - New Capital-Business Strategy Reserve	5,310,053	(37,200)	5,272,853
706000	Contingency - Renew & Replacement	13,510,527	(52,500)	13,458,027
709000	Contingency - All Other	2,613,665	-	2,613,665
	<b>Total Contingency</b>	<b>23,949,245</b>	<b>(89,700)</b>	<b>23,859,545</b>
	<b>TOTAL REQUIREMENTS</b>	<b>\$90,857,203</b>	<b>\$0</b>	<b>\$90,857,203</b>

**Exhibit A**  
**Resolution No. 15-4655**

ACCT	DESCRIPTION	Current Budget	Revision	Amended Budget
<b>Natural Areas Fund</b>				
<b>Natural Areas Fund</b>				
<b>Expenditures</b>				
	<b>Total Personnel Services</b>	<b>2,413,251</b>	<b>-</b>	<b>2,413,251</b>
	<b>Total Materials and Services</b>	<b>7,150,000</b>	<b>-</b>	<b>7,150,000</b>
	<b><u>Capital Outlay</u></b>			
570000	Land	20,000,000	(1,000,000)	19,000,000
571000	Improve-Other than Bldg	1,010,000	-	1,010,000
	<b>Total Capital Outlay</b>	<b>21,010,000</b>	<b>(1,000,000)</b>	<b>20,010,000</b>
	<b><u>Interfund Transfers</u></b>			
580000	Transfer for Indirect Costs	1,403,485	-	1,403,485
582000	Transfer for Direct Costs	349,239	1,000,000	1,349,239
	<b>Total Interfund Transfers</b>	<b>1,752,724</b>	<b>1,000,000</b>	<b>2,752,724</b>
	<b><u>Contingency</u></b>			
700000	Contingency	10,000,000	-	10,000,000
	<b>Total Contingency</b>	<b>10,000,000</b>	<b>-</b>	<b>10,000,000</b>
	<b><u>Unappropriated Fund Balance</u></b>			
801000	Unapp FB - Restricted	3,101,335	-	3,101,335
	<b>Total Unappropriated Fund Balance</b>	<b>3,101,335</b>	<b>-</b>	<b>3,101,335</b>
	<b>TOTAL REQUIREMENTS</b>	<b>\$45,427,310</b>	<b>\$0</b>	<b>\$45,427,310</b>

**Exhibit B**  
**Resolution 15-4655**  
**Schedule of Appropriations**

	Current Appropriation	Revision	Revised Appropriation
<b>GENERAL FUND</b>			
Council	4,965,840	-	4,965,840
Office of the Auditor	771,000	-	771,000
Office of Metro Attorney	2,391,040	-	2,391,040
Information Services	4,530,996	-	4,530,996
Communications	3,059,613	85,005	3,144,618
Finance and Regulatory Services	4,921,912	-	4,921,912
Human Resources	2,731,331	-	2,731,331
Property and Environmental Services	2,709,192	-	2,709,192
Parks and Nature	9,938,198	-	9,938,198
Planning and Development	18,184,820	-	18,184,820
Research Center	4,633,285	-	4,633,285
Special Appropriations	4,743,062	-	4,743,062
Non-Departmental			
Debt Service	1,861,882	-	1,861,882
Interfund Transfers	19,934,904	60,000	19,994,904
Contingency	3,971,542	(145,005)	3,826,537
<i>Total Appropriations</i>	89,348,617	-	89,348,617
Unappropriated Balance	16,309,150	-	16,309,150
<b>Total Fund Requirements</b>	<b>\$105,657,767</b>	<b>\$0</b>	<b>\$105,657,767</b>
<b>GENERAL ASSET MANAGEMENT FUND</b>			
Asset Management Program	3,309,310	1,282,000	4,591,310
Non-Departmental			
Interfund Transfers	1,311,500	-	1,311,500
Contingency	2,317,468	(150,000)	2,167,468
<i>Total Appropriations</i>	6,938,278	1,132,000	8,070,278
<b>Total Fund Requirements</b>	<b>\$6,938,278</b>	<b>\$1,132,000</b>	<b>\$8,070,278</b>
<b>MERC FUND</b>			
MERC	57,906,623	89,700	57,996,323
Non-Departmental			
Interfund Transfers	9,001,335	-	9,001,335
Contingency	23,949,245	(89,700)	23,859,545
<i>Total Appropriations</i>	90,857,203	-	90,857,203
<b>Total Fund Requirements</b>	<b>\$90,857,203</b>	<b>\$0</b>	<b>\$90,857,203</b>
<b>NATURAL AREAS FUND</b>			
Parks and Nature	30,573,251	(1,000,000)	29,573,251
Non-Departmental			
Interfund Transfers	1,752,724	1,000,000	2,752,724
Contingency	10,000,000	-	10,000,000
<i>Total Appropriations</i>	42,325,975	-	42,325,975
Unappropriated Balance	3,101,335	-	3,101,335
<b>Total Fund Requirements</b>	<b>\$45,427,310</b>	<b>\$0</b>	<b>\$45,427,310</b>

*All other appropriations remain as previously adopted*

## STAFF REPORT

### FOR THE PURPOSE OF AMENDING THE FY 2015-16 BUDGET AND APPROPRIATIONS SCHEDULE AND FY 2015-16 THROUGH FY 2019-20 CAPITAL IMPROVEMENT PLAN TO PROVIDE FOR A CHANGE IN OPERATIONS

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Date: November 9, 2015

Presented by: Kathy Rutkowski 503-797-1630

## BACKGROUND

Several items have been identified that necessitate amendment to the budget.

### Internal Communications Coordinator

This action requests the addition of 1.0 FTE Senior Public Affairs position effective November 1, 2015 to serve as Internal Communications Coordinator supporting employee engagement, awareness and participation. The attached memo to Martha Bennett, Chief Operating Officer and Scott Robinson, Deputy Chief Operating Officer, dated May 22, 2015 explains the tentative goals, strategies and key initiatives for this position.

The estimated cost for this position beginning November 1, 2015 is approximately \$77,005. The annual cost is estimated at \$115,000. In addition, the department is requesting \$8,000 in one-time materials and services costs for computer, furniture, training, etc. This action requests the transfer of \$85,005 from the General Fund contingency to fund this request.

### Blue Lake Park Wetland Trail Improvements

The purpose of the Blue Lake Wetland Trail Improvements project is to reconstruct damaged and failing portions of the footpath and elevated structures located in the constructed wetlands on the east end of the park. The damaged asphalt paved surfaces are to be replaced with new accessible, compacted gravel footpath and the wooden bridges and viewpoint will be replaced with steel and fiberglass structures thus reducing the overall maintenance costs of the trail. The FY 2015-16 budget includes \$80,000 in the General Asset Management Fund, Renewal and Replacement Account and \$250,000 in the Natural Areas Local Option Levy Fund to cover the costs of the Blue Lake Wetland Trail repair/improvements. An additional \$150,000 is needed to complete the project.

This action requests the transfer of \$150,000 from the General Asset Management Fund Renewal and Replacement Account to cover the additional costs. This action also amends the FY 2015-16 through FY 2019-20 Capital Improvement Plan.

### Willamette Falls Legacy Project

The Willamette Falls Legacy Project is a collaboration among Metro, Oregon City, Clackamas County, and the State of Oregon. In November 2014 the Metro Council passed Resolution 14-4583 which allows the utilization of Natural Area bond funds for projects that would increase public access to natural areas and trails across the region. The Willamette Falls Riverwalk project was identified as a bond investment opportunity which will provide public access to a site that has not had access for public enjoyment for over 150 years. The Natural Areas Bond commitment to the Willamette Falls Riverwalk is \$5 Million and will complement the other funding commitments from Metro's partners including the State of Oregon, Clackamas County, and the City of Oregon City. This amendment requests the transfer \$1

Million from the Natural Areas Bond Fund to the General Asset Management Fund, Regional Parks Capital Account to initiate the schematic design of the Riverwalk in FY 2015-16. All revenues and expenditures associated with the Willamette Falls Riverwalk project are being tracked in the Regional Parks Capital Account. This action also amends the FY 2015-16 through FY 2019-20 Capital Improvement Plan.

#### *Metro Video Conferencing Project*

This project leverages existing communications architecture at Metro to pilot video conferencing between the Metro Regional Center, Portland's 5 and the Oregon Zoo. Metro was awarded a grant through the Mt. Hood Cable Regulatory Commission to deploy fixed video communication between two points at the Metro Regional Center one at the Oregon Zoo and one at Portland's 5. A survey of travel between the Oregon Zoo and the Metro Regional Center indicated that a .50 FTE could be saved in travel alone, if we were to successfully replace individual trips for meetings at the Metro Regional Center or at the Oregon Zoo with video conferencing. The project employs large, fixed screens and cameras and incorporates an integration in Outlook calendaring to provide simplified connections. Conferencing would be internal only to start for the first phase of roll-out. This will give us the opportunity to fully adopt the technology before expanding its use. The project was initially proposed through the 2015-16 budget process and was given preliminary approval by the Chief Operating Officer, if the grant was received.

Metro was awarded a \$72,000 grant from the Mt. Hood Cable Regulatory Commission. Funds are being matched with in-kind labor of approximately \$65,000. In addition to recognizing the grant award, this action is requesting an additional \$60,000 from the General Fund contingency reserve for future one-time expenditures and an additional \$132,000 in expenditure appropriation to fully fund the project. This action also amends the FY 2015-16 through FY 2019-20 Capital Improvement Plan to include this project.

#### *Voice over Internet Protocol (VoIP) Project*

The Voice over Internet Protocol (VoIP) project is a Metro-wide effort to upgrade office phone systems to current technology, managed by the Metro Information Services department. The project is divided into two phases: 1) Infrastructure and remediation – upgrading the necessary wiring, cabling and switches in preparation for new VoIP communications equipment and 2) Business communications – installing telephone equipment, software, and conducting training.

The Chief Operating Officer, Martha Bennett, approved the plan to proceed with the infrastructure and remediation phase of the project in FY 2015-16. The Phase 1 costs of the project for the Oregon Convention Center and Expo Center were budgeted in FY 2014-15 and were initially intended to be completed before the end of last year. Delays in the project timeframe has moved these expenses to the current year. This action provides for the completion of Phase 1 of the VoIP project at these two facilities by transferring \$52,500 and \$37,200 from the OCC and Expo Center contingencies, respectively. The Portland's 5 portion of the infrastructure and remediation phase of this project is already budgeted in FY 2015-16. This action also amends the FY 2015-16 through FY 2019-20 Capital Improvement Plan.

#### *Oregon Zoo Education Center (CIP amendment only)*

The Oregon Zoo is proposing to update the Capital Improvement Plan to reflect substantive changes in the project budget for the Zoo Education Center. At the October 20th Council Work Session, staff from the Oregon Zoo Bond Program presented the results of construction bids received for this project. Due to changing market conditions, it was recommended to add resources in order to retain the project vision and ensure that construction proceeds on schedule. This amendment reflects a total project budget of \$16,421,798 split between the Zoo Infrastructure and Animal Welfare Bond Fund and the Zoo Capital

Fund – an increase of \$1,170,851. A portion of this increase acknowledges additional funding and scope from partner agreement. No additional appropriation authority is needed in FY 2015-16 for this project. This request only amends the Capital Improvement Plan for total project budget.

*Blue Lake Regional Park Restroom Project (CIP amendment only)*

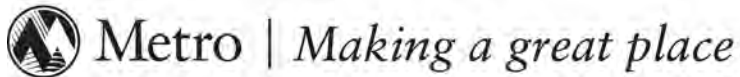
A technical amendment to the budget (PARKS #20) was approved by the Council at its meeting on June 11, 2015 and was included in the FY 2015-16 Adopted budget. This amendment was not reflected in the FY 2015-16 through FY 2019-20 Capital Improvement Plan. This action amends the CIP for the Blue Lake Renovation project to match the adopted budget reflecting the \$850,000 in appropriations carried forward from FY 2014-15. No new resources are required and no other budget action is necessary.

## ANALYSIS/INFORMATION

1. **Known Opposition:** None known.
2. **Legal Antecedents:** ORS 294.463(1) provides for transfers of appropriations within a fund, including transfers from contingency that do not exceed 15 percent of a fund's appropriation, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction. ORS 294.463(3) provides for transfers of appropriations or of appropriations and a like amount of budget resources between funds of the municipal corporation when authorized by an official resolution or ordinance of the governing body stating the need for the transfer. Metro code chapter 2.02.040 requires the Metro Council to approve the addition of any position to the budget. Metro's adopted financial policies require any project exceeding \$100,000 or an existing CIP project increasing greater than 20 percent to receive Council approval.
3. **Anticipated Effects:** This action provides for changes in operations as described above – recognizes and appropriates new grant funds, provides additional appropriations for changes in operations, and add 1.0 FTE in the Communications Department.
4. **Budget Impacts:** This action has the following impact on the FY 2015-16 budget:
  - Adds 1.0 FTE Internal Communications Coordinator in the Communications Department funded via a transfer from the General Fund Contingency
  - Provides \$150,000 from the General Renewal and Replacement account for the Blue Lake Wetlands Trail improvements
  - Transfers \$1.0 million from the Natural Areas Bond Fund to the Regional Parks Capital Account to initiate the schematic design of the Willamette Falls Riverwalk project in FY 2015-16
  - Recognize \$72,000 in new grant revenue and transfer \$60,000 from the General Fund contingency to provide \$132,000 for the video conferencing project
  - Provides for Phase 1 costs of the Voice over Internet Protocol project for the Oregon Convention Center and Expo Center
  - Approve CIP amendments for the Oregon Zoo Education Center and the Blue Lake Regional Park Restroom project.

**RECOMMENDED ACTION**

The Chief Operating Office recommends adoption of this Resolution.



**Memorandum**

Date: May 22, 2015

To: Martha Bennett, COO  
Scott Robinson, Deputy COO

From: Jim Middaugh, Communications Director  
Mary Rowe, HR Director  
Janice Larson, Communications Manager

Re: Internal communications proposal

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Background

This memo reflects our various conversations about the need for and importance of using internal communications to advance One Metro and to improve Metro's ability to reach and serve the people of the Portland area. Below, please find our recommendations about how best to ensure we advance Metro's goals through improved internal communications.

In keeping with the discussion at the recent Senior Leadership Team retreat, we chose first to outline goals, strategies, initiatives, measures. These reflect initial thoughts and will be refined as appropriate as we move forward.

Request

We believe advancing these proposed goals requires a minimum of one FTE with significant support from Communications and Human Resources managers. We recommend hiring an additional person but we are prepared to discuss alternatives if needed.

Position Overview

**Goals**

1. Metro has a shared, agency-wide internal communications strategy
2. Employees are engaged with Metro as an agency
3. Employees are effective ambassadors for Metro's mission, values and priorities
4. Metro attracts and retains diverse and highly qualified employees
5. Metro improves trust, collaboration and transparency among all levels and types of employees

**Strategies**

- 1.1 Ensure all managers and supervisors include internal communications in their responsibilities
- 1.2 Tailor tactics to venues' and departments' specific employees
- 1.3 Coordinate with Office of the COO to support all-staff, all-manager and other agency-wide events
- 2.1 Improve onboarding and orientation to emphasize One Metro
- 2.2 Improve connectivity and leveraging among Metro's different functions
- 2.3 Establish, maintain and increase online, print and face-to-face touch points with staff
- 2.4 Create communication plans for all internal initiatives and issues (i.e. personnel transitions)
- 2.5 Maximize existing and create new internal communication tools
- 3.1 Create multimedia and print collateral and other tools that help manifest a One Metro culture
- 3.2 Ensure ongoing use and sustainability of internal initiatives, i.e. Metro values, PACE, recognition
- 3.3 Improve employees' ability to talk about Metro initiatives (i.e. ballot measures, hotel, elephants)
- 3.4 Improve capacity of all supervisors and managers to support Metro internal messages
- 4.1 Improve and keep jobs page fresh to brand and tell Metro's story



# Attachment 1

## Resolution No. 15-4655

- 4.2 Create tools and materials to help existing employees promote Metro as a great place to work
- 4.3 Partner with DEI initiatives to improve outreach to diverse communities
- 4.4 Increase and sustain authentic recognition programs tailored to each major work group

- 5.1 Produce and effectively share consistent messages about internal initiatives and priorities
- 5.2 Designate and train managers and supervisors so they are reliable sources of information
- 5.3 Utilize new social media platforms and tools to increase the reach of internal messages
- 5.4 Use research to identify preferred methods of communication for different employee types

### Proposed key initiatives and measures

Strategy	Initiatives	Measures		Timing
		Activity	Effectiveness	
1.1	<ul style="list-style-type: none"> <li>Develop long-term internal communications plan starting with an organizational assessment and internal brand audit</li> <li>Brief/train all manager groups on plan</li> </ul>	Completion of plan  Completion of trainings	Sightline engagement score improvement  Sightline scores	
1.2	<ul style="list-style-type: none"> <li>Coordinate employee communications-needs baseline research</li> <li>Work with HR and departments/ venues to create site-specific, in-person tactics for newer employees that further enhance the employee onboarding and engagement experience</li> <li>(i.e. COO, Councilor, director visits)</li> </ul>	Completion of research  Host engagements with manager teams	Use of research in plan implementation  Evaluations of specialized events at each site/dept.	
1.3	<ul style="list-style-type: none"> <li>Create calendar of agency-wide events in coordination with COO office</li> <li>Support all-staff and all-manager meetings and other projects in coordination with office of COO and HR.</li> </ul>	Calendar exists, is used.  Meetings occur	Delivery and evaluations of events	
2.1	<ul style="list-style-type: none"> <li>Develop films and tools to use in new employee orientation and other forums that become a Metro ambassador tool kit and training plan</li> <li>Work with HR and departments/ venues to</li> </ul>	Materials developed  Use of tool kit  Number of site-based	Feedback following orientations, other uses Sightline scores of newer vs. longer term employees  Evaluations of site-	

**Attachment 1**  
**Resolution No. 15-4655**

	<p>create site-specific, in-person tactics for newer employees that further enhance the employee onboarding and engagement experience</p> <ul style="list-style-type: none"> <li>• Scope mentor/buddy program options</li> <li>• These initiatives also apply to 2.3</li> </ul>	<p>activities</p> <p>Completion of scope</p>	<p>based activities</p> <p>Clear decision about launching program</p>	
2.2	<ul style="list-style-type: none"> <li>• Engage departments to create MetroNet content</li> <li>• Evaluate and restructure Monday Message</li> <li>• Work with HR to Develop communication plan to launch new employee engagement tools that use modern technology and improve online experiences</li> <li>•</li> </ul>	<p>Meetings held</p> <p>Re-launch Monday Msg</p> <p>Deployment of two new tools</p>	<p>Departments' content goals met</p> <p>Increase in readership, engagement</p> <p>TBD based on tools selected</p>	
2.3	<ul style="list-style-type: none"> <li>• See 2.1</li> <li>• Engage departments to create MetroNet content</li> <li>• Evaluate and restructure Monday Message</li> <li>• Work with HR to Develop communication plan to launch new employee engagement tools that use modern technology and improve online experiences</li> <li>•</li> </ul>	<p>Materials developed</p> <p>Use of tool kit</p> <p>Number of site-based activities</p> <p>Completion of scope</p> <p>Meetings held</p> <p>Re-launch Monday Msg</p> <p>Deployment of two new tools</p>	<p>Feedback following orientations, other uses</p> <p>Sightline scores of newer vs. longer term employees</p> <p>Evaluations of site-based activities</p> <p>Clear decision about launching program(s)</p> <p>Departments' content goals met</p> <p>Increase in readership, engagement</p> <p>TBD based on tools selected</p>	
2.4	<ul style="list-style-type: none"> <li>• Work with HR to coordinate Sightlines and Internal Customer Service surveys communication plan</li> <li>• Coordinate schedule of and produce and implement communication plans for internal campaigns including DEI, budget, HR</li> </ul>	<p>Surveys completed on schedule</p> <p>Creation of plans</p>	<p>Improved participation</p> <p>Implementation of plans plus Sightlines and other quantitative measures (could implement some research around internal awareness of</p>	

**Attachment 1**  
**Resolution No. 15-4655**

	and other issues		issues, etc.)	
2.5	<ul style="list-style-type: none"> <li>• Coordinate employee communications-needs baseline research</li> <li>• Work with HR and departments/ venues to create site-specific, in-person tactics for newer employees that further enhance the employee onboarding and engagement experience</li> <li>• Scope new internal print publication(s)</li> <li>• Engage departments to create MetroNet content</li> <li>• Evaluate and restructure Monday Message</li> <li>• Work with HR to Develop communication plan to launch new employee engagement tools that use modern technology and improve online experiences</li> <li>•</li> </ul>	<p>Completion of research</p> <p>Host engagements with manager teams</p> <p>Completion of scope</p> <p>Meetings held</p> <p>Re-launch Monday Msg</p> <p>Deployment of two new tools</p>	<p>Use of research in plan implementation</p> <p>Evaluations of specialized events at each site/dept.</p> <p>Clear decision about launching program(s)</p> <p>Departments' content goals met</p> <p>Increase in readership, engagement</p> <p>TBD based on tools selected</p>	
3.1	<ul style="list-style-type: none"> <li>• Develop films and tools to use in new employee orientation and other forums that become a Metro ambassador tool kit and training plan</li> <li>• Scope new internal print publication(s)</li> <li>• Refresh internal posters/banners at least once a quarter</li> </ul>	<p>Materials developed</p> <p>Use of tool kit</p> <p>Completion of scope</p> <p>Work completed on schedule</p>	<p>Feedback following orientations, other uses</p> <p>Sightline scores of newer vs. longer term employees</p> <p>Clear decision about launch</p> <p>Feedback from internal surveys, use of "mobilizing information" contained in signage (url, etc.)</p>	
3.2	<ul style="list-style-type: none"> <li>• Evaluate existing programs and channels</li> <li>• Engage departments to create MetroNet content</li> <li>• Evaluate and restructure Monday Message</li> <li>• Work with HR to Develop communication plan to launch new employee engagement tools that use modern technology and</li> </ul>	<p>Evaluation completed</p> <p>Meetings held</p> <p>Re-launch Monday Msg</p> <p>Deployment of two new tools</p>	<p>Clear recommendations about current programs</p> <p>Content goals met</p> <p>Increase in readership, engagement</p> <p>TBD based on tools selected</p>	

**Attachment 1**  
**Resolution No. 15-4655**

	improve online experiences •			
3.3	<ul style="list-style-type: none"> <li>Evaluate ways to improve internal readership of Metro News</li> <li>Increase readership of Metro Hotsheet</li> <li>Push talking points for initiatives out to staff.</li> </ul>	Evaluation complete  Distribute to all employees monthly Sharing occurs	Percent increase in readership  Clicks? Opens? Short quiz each quarter? Quiz?	
3.4	<ul style="list-style-type: none"> <li>Work with managers and supervisors to share talking points for key project with work groups</li> </ul>			
4.1	<ul style="list-style-type: none"> <li>Update jobs page content regularly</li> <li>Create a Metro story/brand Metro to applicants</li> <li>Feature employees and the variety of jobs at Metro</li> <li>Increase information about the benefits of working at Metro.</li> </ul>	Updates occur	Feedback from site visitors	
4.2	<ul style="list-style-type: none"> <li>Create job announcement “sharing” templates</li> </ul>	Templates create	Increase in social media “shares,” page views from social media; increase in applicants referred by employees	
4.3	<ul style="list-style-type: none"> <li>TBD in consultation with DEI team</li> </ul>	TBD	TBD	
4.4	<ul style="list-style-type: none"> <li>Work with HR to inventory existing recognition programs</li> <li>Include recognition needs/desires in baseline research</li> <li>Work with HR to promote a more robust recognition program to support Metro values and “One Metro” concept</li> </ul>	Inventory completed  Recognition included in research  New program recommendation completed	Best practices copied  Clear direction created  Clear decision on launch of program	
5.1	All of the above			
5.2	<ul style="list-style-type: none"> <li>Develop long-term communication plan starting with an organizational assessment and internal brand audit</li> <li>Brief/train all manager</li> </ul>	Completion of plan  Completion of trainings	Sightline engagement score improvement  Sightline scores	

# Attachment 1

## Resolution No. 15-4655

	groups on plan • Incorporate internal communication priorities into all manager meetings	Internal communications included in agendas	Sightline scores	
5.3	• Work with HR to Develop communication plan to launch new employee engagement tools that use modern technology and improve online experiences	Deployment of two new tools	TBD based on tools selected	
5.4	• Coordinate employee communications-needs baseline research	Completion of research	Use of research in plan implementation	

### Classification and reporting:

#### Recommendation:

- Once duties are determined we would have HR review them to determine the appropriate classification but anticipate it would come out as a Senior PA Specialist or possibly an Associate PA Specialist.
- Reports to media/marketing manager with dotted line to HR
- Writer/implementer with marketing, web (ideally SharePoint) and project management skills
- Intramet content manager

### Materials and services

Current level plus development of orientation video and ambassador kit (and any other needs based on selection and approval of key initiatives).

For your information, attached is a recent posting for an internal communications manager at OHSU and also Mentor Graphics.

#### Alternatives:

- 1) If a new full FTE is not possible, we recommend ramping up the program by creating a new .5 FTE this coming fiscal year and increasing the FTE the next year as needed. However, a problem with this approach is that we limit the applicant pool by recruiting at the .5 level and risk hiring someone who would not want to increase hours and therefore we would then be faced with having to hire again at the time of increased FTE.
- 2) Another option would be to distribute the key initiatives to different existing employees. However, by piecing out portions of the work to multiple people we lack a coordinated message and the work likely would become secondary for the employees tasked with assignments rather than a primary focus. This approach also would increase the need for management level oversight from both Communications and HR.
- 3) If a new .5 FTE is not available we are prepared to identify resource shifts from Communications' and/or HR to free up the equivalent of .5 FTE. Consistent with our strategic plans, if directed to make such a shift we would engage in discussion with the line departments to identify FTE capacity while balancing the required skill-set to be successful and existing responsibilities that can be reduced without significant impact or internal conflict, all within the desired time frame for action on internal communications.

The specific shift would depend on the selection of and scope of internal communications key initiatives and the desired change in the proposed measures. Please recall that this approach would affect cost-allocation for the general fund and the visitor venues.

#### Summary

We believe a dedicated 1.0 FTE to focus on internal communications is key to the success of developing a positive relationship with Metro employees, increasing employee engagement, ensuring we are best utilizing our employees as ambassadors to tell Metro's story and to recruit quality candidates in an increasingly competitive job market. This position should be housed in Communications with a dotted line to HR.

# **Attachment 1**

## **Resolution No. 15-4655**

### *Sample of similar position at Mentor Graphics*

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#### **Job description**

Company: Mentor Graphics Job Title: Employee Communications Manager - 3451 Job Location: US - OR - Wilsonville  
Job Category: Corporate Marketing

All qualified applicants will receive consideration for employment without regard to race, sex, color, religion, national origin, protected veteran status, or on the basis of disability.

#### **Job Duties:**

- This employee communicator will be responsible for managing employee communications for the executive management team
- Collaborate with HR, Corporate marketing and Executive management to manage the appropriate mix of internal communications programs, channels and vehicles to drive awareness and understanding of Mentor Graphics business and employee high lights
- Monitor and educate self on other company's internal communications programs, propose new and creative vehicles to further enhance employee communications
- Schedule and coordinate quarterly global employee communications meetings
- Coordinate content generation for quarterly employee meetings from multiple sources: Investor relations, quarterly highlights from earnings call, products & technology highlights from division marketing directors, employee highlights from Human Resources, and other corporate news.
- Develop presentations to support Mentor Graphics Executive Management visits to various Mentor remote sites
- Point of contact for Investor Relations for the Mentor communications team
- Schedule, organize and facilitate internal and external Tech Talks at Mentor Graphics
- Responsible for the review, scheduling, and delivery of global email messages to Mentor employees
- Maintain the front page of [inside.mentor.com](http://inside.mentor.com) as well as Mentor background information and the Mentor Foundation website, coordinate with information and employee highlights from employee meetings and executive internal presentations
- Support Mentor Foundation
- Part of the team scheduling, coordinating, and executing Mentor Graphics employee events such as Winter Party, Summer Picnic, Winter concert series, MAD Science Camps and various other employee celebrations
- Utilize and become expert at Mentor internal chat tools - yammer

#### **Job Qualifications:**

- \* Strong written and verbal communications. Ability to author general employee communications messages
- \* Excellent organizational skills
- \* Excellent project management skills
- \* Collaborative team player
- \* Ability to professionally interface with upper management and global colleagues
- \* Microsoft PowerPoint skills

### *Sample of similar position at OHSU*

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#### **Oregon Health & Science University is seeking a Communications Specialist Internal Communications**

Salary range: \$61,338-92,113/yr. Apply online ASAP by visiting [www.ohsujobs.com](http://www.ohsujobs.com). Click "Search for Jobs." On the resulting page, enter **IRC46674** in the search field.

#### **Minimum qualifications include:**

- Bachelor's degree in communications, creative writing, journalism or a related field.
- A minimum of five years of experience in corporate communications.
- Experience communicating about quality and process improvement programs (e.g., Lean) and compliance.
  - Exceptional writing and editing skills.
  - Exceptional skills in online community management.
  - Excellent skills in building web pages using HTML and CSS.

# **Attachment 1**

## **Resolution No. 15-4655**

- Excellent skills in using WordPress.
- Excellent skills in building templates and using email marketing software to achieve campaign objectives.
- Excellent skills in analyzing and interpreting web, email, and campaign data.
- Ability to quickly learn and easily use new software.
- Strong familiarity and comfort with at least one content management system.
- Excellent customer service skills.
- Ability to adjust to change quickly, to learn on the fly, and to write in a variety of formats.
- Excellent team player who is also capable of self-direction.
- Strong skills using a variety of applications, and ability to learn new applications quickly.
- Knowledge of Lean or related performance improvement tools and methods.

### **Specific duties include:**

- Writes and post original articles; also solicits and edits content from others.
- Fosters productive online dialogue by encouraging active engagement in online communities by OHSU leaders, faculty, employees and students. Monitors, moderates and responds to online comments.
- Effectively selects and uses technical communications platforms, including those needed to produce blogs, email campaigns, and intranet content. The specialist is responsible for identifying the best platforms, developing content and campaigns aligned to the platforms and training and mentoring a network of other internal communicators in using these centralized tools.
- Ensures that engagement goals are met by analyzing internal communications data using analysis tools and uses the information it to improve communications practices throughout OHSU.

OHSU is proud to be an equal opportunity employer.

Agenda Item No. 5.1

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

*Ordinances (Second Read)*

Metro Council Meeting  
Thursday, November 19, 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 264<sup>TH</sup> 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 264<sup>th</sup> 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.

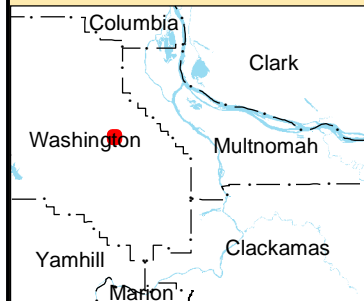
\_\_\_\_\_  
Tom Hughes, Council President





Attest:

Approved as to form:

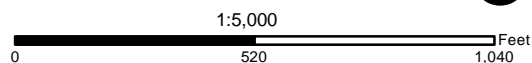
\_\_\_\_\_  
Alexandra Eldridge, Recording Secretary

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



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

## Proposal No. AN-0615 Metro District Boundary



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

## 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 264<sup>TH</sup> AVENUE IN NORTH HILLSBORO

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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, 5<sup>th</sup> 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 264<sup>th</sup> 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.

Agenda Item No. 6.0

Urban Reserves Designations in Clackamas County Areas 4A,  
4B, 4C, and 4D

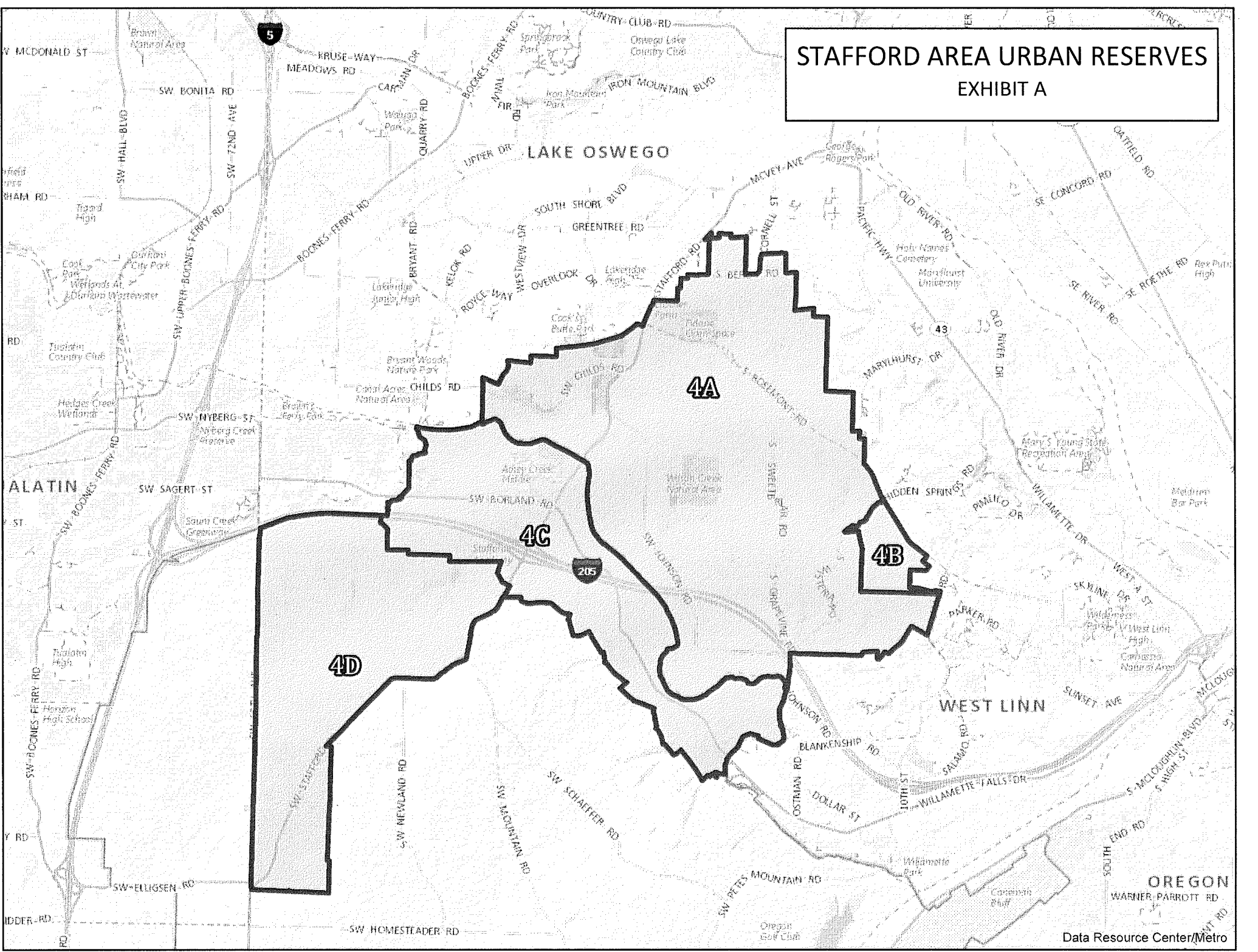
*Public Hearing*

Metro Council Meeting  
Thursday, November 19, 2015  
Metro Regional Center, Council Chamber

Materials following this page were distributed at the meeting.

# STAFFORD AREA URBAN RESERVES

## EXHIBIT A



## Remand of Stafford Area Urban Reserves



 Metro | Making a great place

## Reserves Timeline

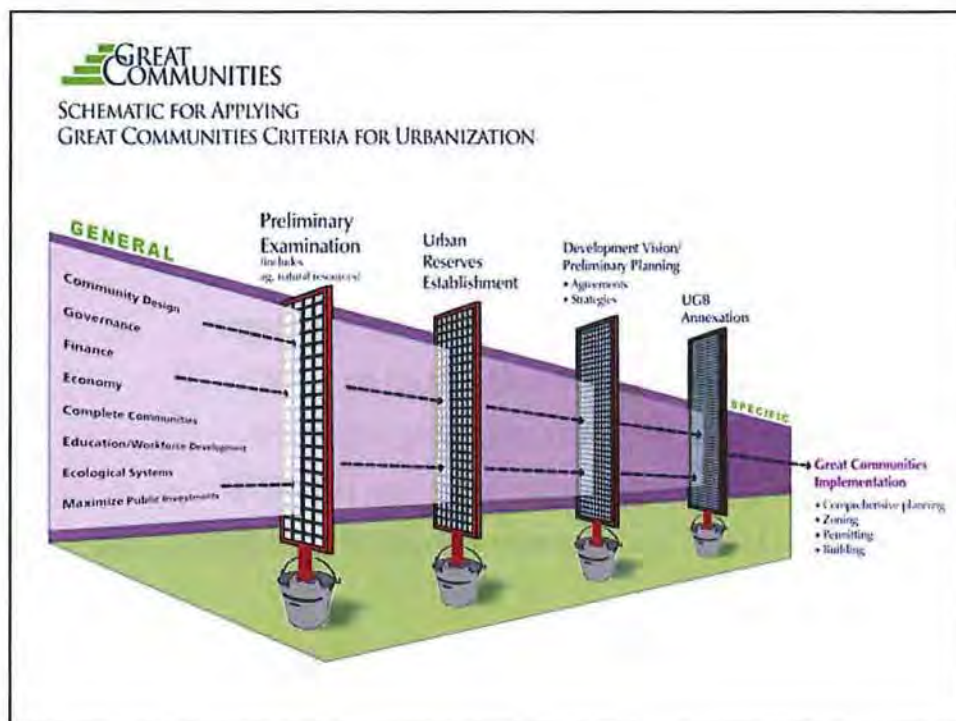
- 2007 – Reserves legislation (SB 1011)
- 2008-2009 – Regionwide analysis regarding reserve designations in all counties
- 2010 – Metro and counties agree on maps
- 2011 – Final decision submitted to LCDC
- 2012 – LCDC decision affirming reserves
- 2014 – Court of Appeals opinion; HB 4078
- 2015 – LCDC issues order remanding to Metro and two counties

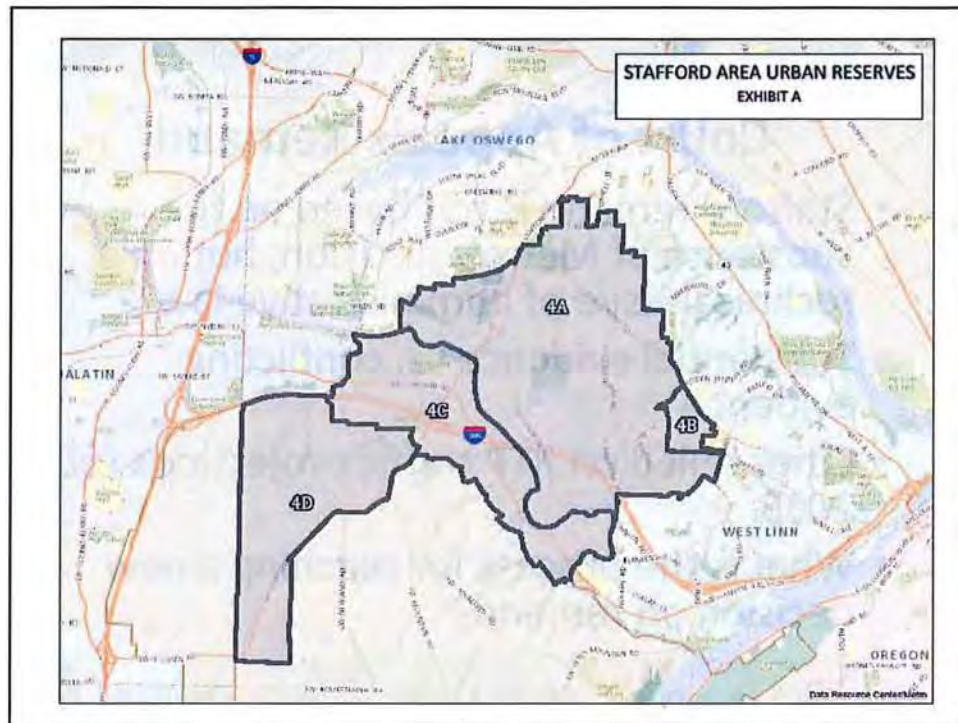


## Key Urban Reserve Factors

"Metro shall base its decision on consideration of whether land...:

- (1) Can be developed at urban densities in a way that makes efficient use of existing and future public infrastructure investments;
- (3) Can be served by public schools and other urban-level public facilities and services efficiently and cost-effectively by appropriate and financially capable service providers."





## Stafford Characteristics

- Adjacent to three cities
- Surrounded by urban uses on three sides
- Physically similar to West Linn and Lake O
- Comprised entirely of “conflicted” farmland
- Bisected by Interstate 205
- Contains 6,230 acres, or 25% of region’s URAs
- Includes land that is suitable for adding to the UGB over a 50-year planning horizon

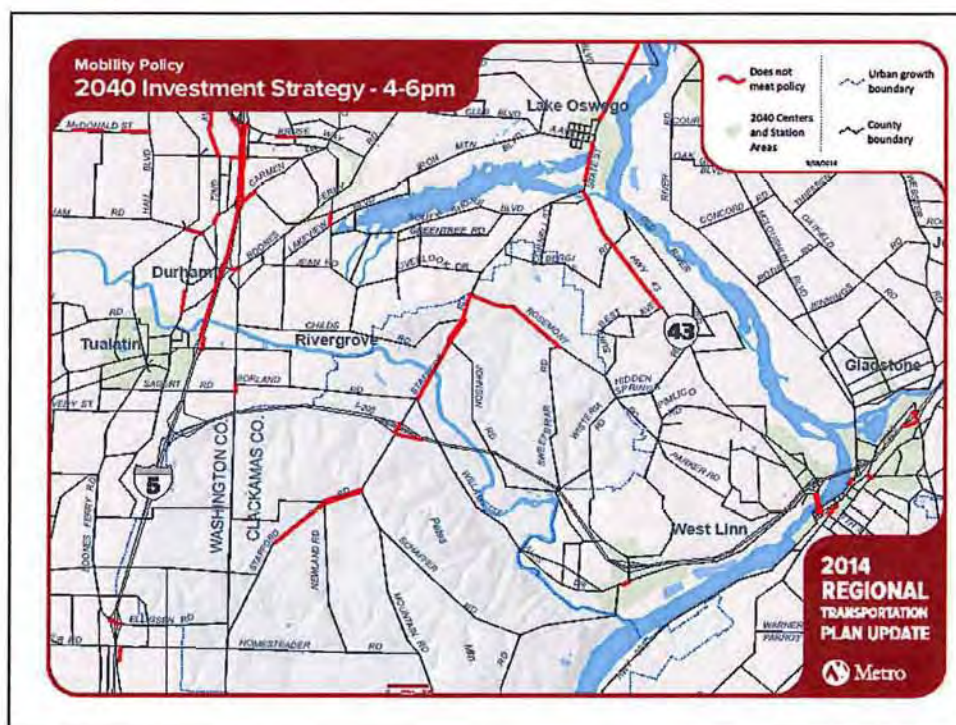
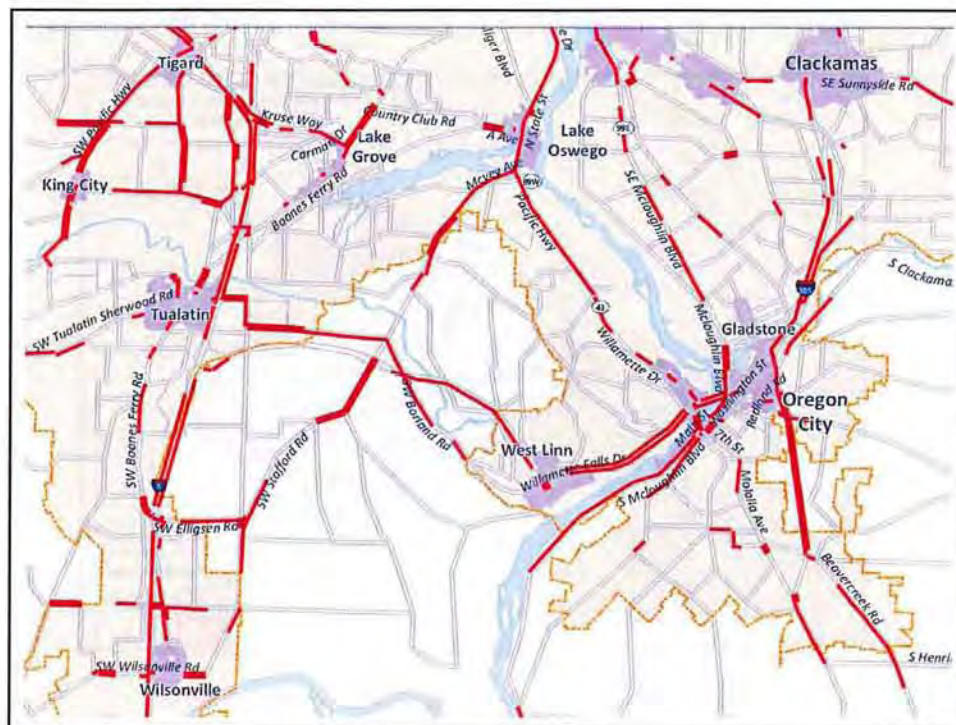
## **Court of Appeals Remand**

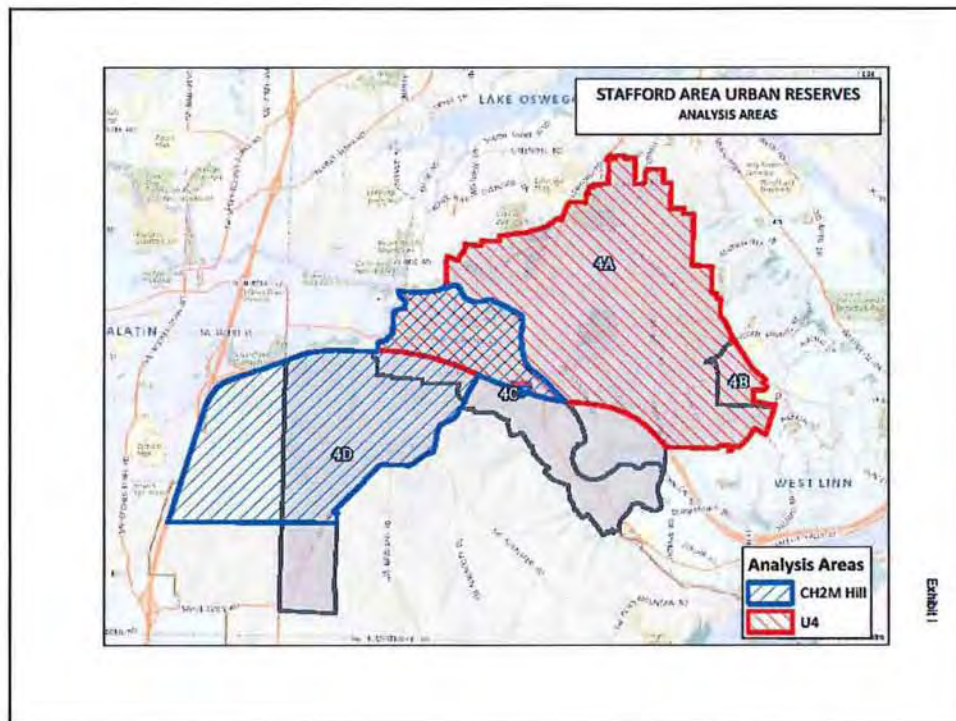
- Stafford remand is not based on the substance of Metro's decision, but on a technical issue of administrative law
- Substantial evidence vs. conflicting evidence
- Cities relied on RTP traffic projections for 2035
- What is the process for reaching a new decision on remand?

## **Responses to Cities' Evidence**

- Transportation Facilities:
  - 2010 RTP traffic forecasts not relevant to urban reserve factors
  - 2014 RTP already shows improvement based on new projects and updated forecasts
- Water and Sewer Services:
  - Areas 4A, 4B and 4C ranked "highly suitable" for both water and sewer services
  - City of Tualatin analysis compares different areas









## **METRO COUNCIL MEETING**

Meeting Minutes

November 12, 2015

Metro Regional Center, Council Chamber

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

Councilors Excused: None

Council President Tom Hughes called the regular council meeting to order at 2:02 p.m.

### **1. CITIZEN COMMUNICATIONS**

James Jordan, Happy Valley: Mr. Jordan addressed Metro Council about Happy Valley not providing connectivity of wildlife habitat areas near Metro's Happy Valley Nature Park and Mitchell Creek Natural Area.

### **2. AUDITOR ANNUAL REPORT PRESENTATION**

Council President Hughes introduced Metro Auditor Brian Evans for a brief presentation on the annual auditor's report for fiscal year 14-15. Mr. Evans highlighted how the report serves a number of purposes, including to demonstrate the value and mission of Metro's auditor office at its most basic, to brief Metro Council and the public on what the auditor's office has accomplished this year, and to detail how the many resources have been used to accomplish those items. Mr. Evans spoke to how the report demonstrates the values of accountability and transparency by reporting information publically about performance and using that information to make changes when performance has not been what is expected. Mr. Evans added that the report is a way for Metro to show leadership by demonstrating how a performance measurement system can be used in the public sector and the value of using performance measures to improve things over time. Mr. Evans noted that there are three areas where he would like to see improvement, including working with management to increase the implementation of the recommendations, looking at increasing the response rates to a post-audit survey conducted by Metro, and addressing imbalances in audit coverage between departments. Mr. Evans added that for the fiscal year 2015-16, there are four audits on schedule with two audits being completed by the end of this year.

#### ***Council discussion:***

Councilors thanked Mr. Evans and Metro staff for the annual report and their passion and commitment to serving the public. Additionally, Councilors conveyed their appreciation that the Metro Chief Operating Officer will be looking deeper into the complexity and longer implementation of some of the recommendations.

### **3. CONSIDERATION OF THE NOVEMBER 5, 2015 COUNCIL MEETING MINUTES**

Motion:	Councilor Craig Dirksen moved to adopt the Council Meeting Minutes from November 5, 2015.
Second:	Councilor Sam Chase seconded the motion.

Vote: Council President Hughes, and Councilors Harrington, Dirksen, Craddick, Collette, Stacey, and Chase voted in support of the motion. The vote was 7 ayes, the motion passed.

#### 4. **RESOLUTIONS**

- 4.1 **Resolution No. 15-4656**, For the Purpose of Authorizing an Exemption from Competitive Bidding and Authorizing Procurement of Construction Manager/General Contractor Services by Competitive Request for Proposals for the Construction of the new Polar Bear Habitat and Associated Infrastructure at the Oregon Zoo

Motion:	Councilor Shirley Craddick moved to approve Resolution 15-4656.
Second:	Councilor Carlotta Collette seconded the motion.

Council President Hughes introduced Ms. Heidi Rahn, Oregon Zoo Bond Program Director, and Ms. Gabriele Schuster, Metro procurement manager, to provide a brief presentation on the Oregon Zoo's plan to construct a new polar bear habitat as part of executing the 2008 capital improvement bond. Ms. Schuster noted that procurement services is asking to exempt the polar bear project from the competitive low-bid approach and recommends the construction manager/general contractor (CMGC) as the best procurement process for this project. Ms. Schuster added that CMGC method can save both cost and time, while reducing risk since the contractor can provide feedback during the design phase and identify any potential challenges early in the process.

***Council discussion:***

Councilors conveyed their support, as this process has been successful in many complex projects that have been already been completed at the Oregon Zoo, and discussed the need to meet and achieve Metro's goals relating to minority, women, and emerging small business (MWESB) contracting.

Vote: Council President Hughes, and Councilors Chase, Craddick, Dirksen, Stacey, and Harrington voted in support of the motion. The vote was 7 ayes, the motion passed.

- 4.2 **Resolution No. 15-4666**, For the Purpose of Suspending Provisions in the Metro Code, Title V, Related to Enhanced Dry Waste Recovery Program

Motion:	Councilor Kathryn Harrington moved to approve Resolution 15-4666.
Second:	Councilor Bob Stacey seconded the motion.

Council President Hughes introduced Mr. Paul Slyman, Director of Property and Environmental Services, and Mr. Roy Brower to provide a brief presentation on the resolution that proposes to

suspend portions of Metro’s Solid Waste Code, Title V. Mr. Slyman provided a broad overview of the circumstances that necessitate the changes and how Metro is involved in moving forward. Mr. Brower discussed the regulatory changes that are proposed in the resolution, noting that the resolution proposes to take a highly unusual step of suspending certain portions of Metro’s Solid Waste Code that pertain to the enhanced dry waste recovery program, relating specifically to wood waste. Mr. Brower noted that the resolution will also direct the Chief Operating Officer to notify facilities about these changes once they’re made, provide more detailed information about the specific implementation guidelines for facility operators, and report to the Metro Council when and if market conditions change and in order to reinstate these provisions, introduce a resolution that would reinstate the code provisions.

***Council discussion:***

Councilors thanked Metro staff and conveyed their appreciation of the resolution being brought forward to make unfortunate, but necessary, adjustments to Metro’s recovery requirements.

Vote:	Council President Hughes, and Councilors Chase, Stacey, Dirksen, Craddick, and Harrington voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
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**5. ORDINANCES (SECOND READ)**

5.1 **Ordinance No. 15-1361**, For the Purpose of Adopting the 2014 Urban Growth Report and Complying with Regional Growth Management Requirements Under ORS 197.299 and Statewide Planning Goal 14

Motion:	Councilor Kathryn Harrington moved to approve Ordinance 15-1361.
Second:	Councilor Bob Stacey seconded the motion.

***Council discussion:***

Councilors thanked Metro staff and expressed their support of the Chief Operating Officer’s recommendation to not expand the urban growth boundary.

Vote:	Council President Hughes, and Councilors Harrington, Dirksen, Stacey, Craddick, Collette, and Chase voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
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**6. RECESS**

**7. SPECIAL PRESENTATION: CLEAN WATER SERVICES AWARD**

Council President Hughes introduced Bruce Roll, Watershed Management Department Director for Clear Water Services, for a brief presentation on the Trees for All program and the goal to plant a million trees in twenty years. Mr. Roll highlighted the history of the Healthy Streams Plan, spoke to the various partners who have joined together for restoration work and extensive tree planting, and noted to the importance of planting trees and maintaining a healthy environment around the region. Mr. Roll thanked Metro staff for their hard work and commitment to this project. Mr. Roll



played a video chronicling the first year of planting and presented Metro Council with an award on behalf of the Tree for All program.

***Council discussion:***

Councilors thanked voters for their funding support for restoration efforts and Mr. Roll, as well as Metro staff, for their continued hard work.

**8. Resolution No. 15-4644, For the Purpose of Approving 2015 Nature in Neighborhoods Restoration and Community Stewardship Grants**

Motion:	Councilor Carlotta Collette moved to approve Resolution 15-4666.
Second:	Councilor Craig Dirksen seconded the motion.

Council President Hughes introduced Ms. Heather Nelson Kent to provide a brief presentation on the resolution. Ms. Nelson Kent spoke to Metro Council's considerable investment in grants given to community groups, non-profits, local governments, and other organizations. Ms. Nelson Kent noted that these grants are designed to improve water quality and wildlife habitat and give people of all ages opportunities to learn about and connect with nature. Ms. Nelson Kent introduced Ms. Renee Meyer, The Forest Park Conservancy, and Ms. Rachel Felice, Portland Parks and Recreation, for a brief presentation on the Restore Forest Park project. Ms. Jenny Dezso, Clackamas River Basin Council, highlighted the Nature in Neighborhoods Restoration and Community Stewardship grant committee review process and noted that fifteen highly compelling projects were selected for recommended funding. Ms. Nelson Kent briefly read through the fifteen projects and recognized the various partners associated with each project.

***Council discussion:***

Councilors congratulated all recommended grant award recipients, thanked Metro staff and the presenters for their commitment and hard work, and conveyed their excitement and appreciation for the recommended grant projects.

Vote:	Council President Hughes, and Councilors Stacey, Dirksen, Collette, Craddick, and Harrington voted in support of the motion. The vote was 6 ayes, the motion <u>passed</u> . Councilor Chase needed to leave and was not present for this vote.
-------	---

**9. CHIEF OPERATING OFFICER COMMUNICATION**

Ms. Martha Bennett provided an update on the following events or items: an Oregon Park and Recreation Association award presented to Metro, Metro's Charitable Giving Month, G9 meeting, and Metro's Veterans Day parade.

**10. COUNCILOR COMMUNICATION**

Councilors provided updates on the following meetings or events: JPACT meeting, West Side Economic Alliance breakfast forum, Washington County Transportation Futures Study, Blue Lake Regional Park master plan committee meeting, and Bi-State Coordination Committee meeting.

**11. ADJOURN**

There being no further business, Council President Hughes adjourned the regular meeting at 5:05 p.m. The Metro Council will convene the next regular council meeting on Thursday, November 19, 2015 at 2 p.m. at the Metro Regional Center in the council chamber.

Respectfully submitted,

A handwritten signature in black ink that reads "Kate Giraud". The script is cursive and fluid, with the first name "Kate" and last name "Giraud" clearly distinguishable.

Kate Giraud, Council Policy Assistant

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF NOV. 12, 2015**

<b>Item</b>	<b>Topic</b>	<b>Doc. Date</b>	<b>Document Description</b>	<b>Doc. Number</b>
1.0	Handout	11/12/2015	Testimony from James Jordan: Connectivity of Wildlife Habitats	111215c-01
3.0	Minutes	11/05/2015	Council Meeting Minutes from November 5, 2015	111215c-02
8.0	Handout	11/12/2015	Nature in Neighborhoods Restoration and Community Stewardship Grants 2015 Handout	111215c-03
8.0	Handout	11/12/2015	Restore Forest Park	111215c-04
10.0	Handout	11/12/2015	Washington County Transportation Futures Study	111215c-05



**BOARD OF COUNTY COMMISSIONERS**

**PUBLIC SERVICES BUILDING**  
2051 KAEN ROAD | OREGON CITY, OR 97045

November 10, 2015  
*Sent Via Email*

The Honorable Tom Hughes, President  
Members of the Metro Council  
600 NE Grand Ave  
Portland, OR 97209

Re: Metro Urban and Rural Reserve Remand

President Hughes and Members of the Metro Council:

We are writing to further explain Clackamas County's interests in partnering with Metro to revisit the location of reserve lands in connection with our joint action on remand. We ask that this letter be placed in the record of Metro's proceedings on the Metro Urban and Rural Reserves (MURR) Remand. There are three primary reasons for Clackamas County's interest.

First, as you well know, the matter is on remand from the Court of Appeals and the Land Conservation and Development Commission. The permissible scope of that remand is broad and invites a "resubmittal of the Metro Region urban and rural reserve designations." See Director's Order 14-ACK-001861 dated January 15, 2015. As a result, Metro and the Counties have an opportunity to modify reserve designations as part of that remand process.

In fact, modifications seem inevitable if Metro wishes to actually achieve the goals of SB 1011 and provide certainty along with a realistic 30 to 50-year land supply. Modifications are also inevitable if Metro seeks a balance in the designation of urban and rural reserves that, "in its entirety, best achieves livable communities, the viability and vitality of the agricultural and forest industries and protection of" natural resources, as required by OAR 660-027-0005(2).

Second, the facts on the ground have changed dramatically since the original reserves adoption, prompting the need for corresponding changes to reserve designations. We cannot pretend that those changes didn't happen, or allow the matter to be dismissed as simply a change in leadership.

For example, the adoption of House Bill 4078 legislatively incorporated 1,178 acres of designated urban reserves into the Urban Growth Boundary and converted approximately 2,016 acres of urban reserve areas to rural or undesignated, all in Washington County. As a result, as it currently stands, through no formal action by Metro and the Counties, there are approximately 3,194 fewer acres of urban reserves than Metro and the Counties designated in 2011. In addition, the Cities adjacent to the Stafford Urban Reserve have consistently expressed opposition to urbanization. Two of them successfully appealed the Urban Reserve designation. The Stafford Triangle is approximately 4200 acres.

Similarly, given the difficulties, and possible demise of the City of Damascus, the Boring Urban Reserve (4300 acres) is unlikely to provide a viable land supply. Even in the best-case scenario, Damascus is not likely to urbanize beyond 222<sup>nd</sup>, and there will be miles of undeveloped land between Damascus and Boring.

Collectively this means that over 11,000 acres of the original 28,000 acres Urban Reserves are either unavailable, or of limited usefulness. We believe it would be irresponsible to ignore this fact.

At a minimum, Metro and the Counties should determine whether this significant loss in urban reserve lands serves regional objectives. Additionally, a study by Business Oregon, Metro, the Port of Portland, and private organizations has identified a critical shortage of large-lot industrial lands in metropolitan Portland. Modified reserves designations could address this critical economic development issue.

Finally, Clackamas County has an obligation under Statewide Planning Goal ("Goal") 9 to provide an adequate land supply for economic development and employment growth within the County, including identifying the approximate number, acreage, and characteristics of sites needed to accommodate industrial and employment uses.

Based upon the County's recent planning work addressing employment land needs and the significant development constraints evident in our existing reserves, Clackamas County believes that the reserve designations adopted in 2011, as amended by House Bill 4078, are inadequate and cannot be adopted consistent with Goal 9. Clackamas County is short on land for the future, particularly employment land.

Accordingly, we are compelled to, and will, take the steps necessary to ensure that Clackamas County's interests are met before signing off on any reserves designations. That may be as simple as removing rural reserves designations in some areas to create a safety valve in the event that existing reserves prove inadequate.

Re: Metro Urban and Rural Reserve Remand  
Page 3

We invite Metro to join us to address the reserve designations in Clackamas County to ensure that the final and complete reserves decision will meet Clackamas County's, as well as the region's, planning and economic development needs for the next 50 years. This said, however, we want to reiterate that Clackamas County believes that a complete policy solution to these issues is necessary; and, accordingly, the County does not intend to limit its consideration solely to the Stafford area.

Sincerely,

A handwritten signature in black ink, appearing to read "John Ludlow". The signature is fluid and cursive, with the first name "John" and last name "Ludlow" clearly distinguishable.

John Ludlow, Chair

On behalf of the Clackamas County Board of County Commissioners



## CITY OF West Linn

November 19, 2015

President Hughes and Metro Council,

Subject: Stafford Remand and Considerations for Future Regional Planning

Council President Hughes and Metro Councilors, my name is Russell Axelrod. I am a long-term resident of West Linn and I'm currently the Mayor of our fine City of West Linn.

I am here today to express the importance and value of the Stafford Area to West Linn, to our neighboring cities, to the Stafford Hamlet, and to the Portland metropolitan region in general.

The City of West Linn has held for more than 20 years the position that the Stafford Area is not appropriate for urban levels of development, and does not meet the factors for designation as Urban Reserves by Metro. Our neighboring cities of Lake Oswego and Tualatin each agree on this, and the three cities have filed a *Joint Statement* to Metro affirming this position as recently as May 26, 2015.

Metro's September 30, 2015 Staff Report entitled *In Consideration of the Remand by the Oregon Court of Appeals and LCDC Regarding the Designation of Urban Reserves in Clackamas County*, provides no new significant information to justify Urban Reserves designation for Stafford. The Metro Staff Report and remand factors are being addressed in separate testimony being submitted by legal counsel for West Linn.

The reserves designation program is a uniquely prescribed process with generally good intentions. However, if it's not implemented based on accurate, representative and defensible data, and it does not account for other practical area specific factors critical to development (e.g., total infrastructure needs), the desired outcomes of the program will not be achieved.

For example, Metro has recently indicated its general assumption that the required minimum density for development of Stafford would be averaged over the entire expansion area. Metro has not actually determined the size of viable expansion area in Stafford, but assumes the area to be approximately 6,000 acres.

At Metro's minimum density of 10 or 15 dwelling units per acre, that would result in approximately 60,000 to 90,000 dwelling units for the area. If you assume a minimum 2 people per dwelling, a very conservative assumption, that's 120,000 to 180,000 new residents moving in to the Stafford area. For perspective, West Linn comprises 10,400 dwelling units over 5,158 acres.





## West Linn

Thus, anything approaching Metro's planned level of development, or even one-tenth of this level of development, would significantly compromise the quality of life our cities share and enjoy. When you begin to consider also the cost and the environmental implications of total infrastructure need, this level of urban development in Stafford is fiscally impractical and unacceptable to West Linn.

The present rural character of Stafford is important to the residents of West Linn, our neighboring cities, and the unincorporated Stafford Area itself. The unique rural landscape of Stafford provides an important buffer between our more developed areas. This provides an important sense of place to our city and residents, but it also serves as an important refuge to human habitation and experience, much like viable habitat areas and corridors offer critical refuge to wildlife. To add a Portland metropolitan perspective, Stafford is to West Linn kind of like Forest Park or Tryon Creek is to Portland in terms of its buffering influence and offering of sense of place.

By its unique character and attributes, the Stafford area affords Metro the unique opportunity to showcase a successful model of the urban-rural interface; a critical transition zone within the metropolitan region where urbanized areas are balanced with more rural lifestyles and environmentally protected areas. This is the model that Portland should embrace. If you simply fill in the metropolitan gaps with dense development, you might as well call it Los Angeles.

While the goal of the reserves program and urban growth boundary concept is to control urban sprawl, it must not be done in a manner that eliminates critical refuge and habitat that make our communities unique and desired places to live. Also, because the cities surrounding Stafford do not care to grow into Stafford, any reserves designation in Stafford undermines the essential goals of Metro's long-term management/reserves program.

The proposed intense development of Stafford has also been championed by a few speculative developers that hold approximately 10% of the property interests in the Stafford area. Metro and Clackamas County have been pressured by these speculative developers that have no interest in the long-term viability of our communities or the quality of life the cities (and residents) enjoy and have shared investment in. Metro and Clackamas County must not bow to the pressure of speculative development, but show leadership in representing the voting community and identifying more appropriate and feasible areas and approaches for future growth.

I urge the Metro council to leave the Stafford area undesignated or at minimum to acknowledge and accept the Hamlet Compromise Solution to settle a long-standing land use dispute favored by nearly 90% of surveyed community members.

Thank you,

Russell Axelrod  
Mayor  
City of West Linn



November 19, 2015

METRO REGIONAL CENTER  
600 NE Grand Avenue  
Portland, Oregon 97232  
Tel: (503) 797-1700  
Fax: (503) 797-1797  
Website: [www.oregonmetro.gov/reserves](http://www.oregonmetro.gov/reserves)

**SUBJECT: Portland Metro Urban & Rural Reserves – Boring Option 1F Urban Reserves  
Metro Jurisdiction**

Dear Mr. Tom Hughes, Metro Council President, and Metro Council Members

Thank you for Metro's hard work and diligence to improve the region and communities over the years. As a stakeholder in the Boring Option 1F area I submit the following positions:

**OPPOSE:**

1. Oppose House Bill (HB) 2640 which proposes to withdrawal territory within an area of Boring mapped by the Boring Community Planning Organization (CPO) from Metro Jurisdiction.

**SUPPORT:**

2. Exhibit B to Metro Council Ordinance No. 11-1255, Reasons for Designation of Urban and Rural Reserves, Approved, August 14, 2012.
3. Metro Revised Findings for Clackamas County Urban and Rural Reserves, April 21, 2011.

Today I share my perspective along with my parents John and Sharon Chambers. My father could not be here but he signed this letter to show support. I grew up in the Boring Oregon Option 1F area, attended grade school and high school here. **My parents opened a business in Boring and have served the community as an employer for over 50 years with Chambers Motor Company.**  
<http://chambersmotorco.com/>

This effort to testify is based on passion for my hometown and hope that it will offer growing promise for residents into the future. I grew up picking raspberries and strawberries in the summer and masking trucks before painting for Chambers Motor Company. As a young adult I did not envision where my career, work ethic, and opportunity would someday take me.

I find the message promoted by the Boring CPO "Keep Boring Boring" disheartening. Since earning my college degree from Pepperdine University I have had the opportunity to support space and national defense missions ranging from servicing the Hubble Space Telescope (and meeting 6 of the seven astronaut crew) to negotiating Air Force Space Command contracts for protected satellite communications to protect the United States President and the American Warfighter.

You see, I believe that the next generation of Boring residents need to become aware of, and be inspired by the many important global missions that are being carried out by hard working, value oriented Americans today. As the Option 1F area becomes land for employment growth, I envision an organization where youth can learn about NASA Science, Technology, Engineering & Math (STEM) and

other programs, as well as a satellite simulation control center where youth can learn to fly satellites in space. Exposure to the many career paths available will afford rural youth new opportunities.

When Metro designated the Boring Option 1F area Urban Reserves it was a step in the right direction. The Boring CPO HB 2640 acting to remove Boring from Metro seems like a step in the wrong direction. Certainly we grow beautiful trees that grace the landscape, but we can also grow value driven youth that will write code for GPS satellite systems, design electronics, develop and draw specifications for future medical devices and become engineers and scientists as well as farmers. I understand Boring may never become a major tech center, but Boring does not need to remain boring. I don't believe that goal is in the community, region, or national interests.

My parents John & Sharon Chambers sold land to **Western Bus Sales** <http://westernbus.com/> and in the last year or two Western Bus tried purchasing more land from my parents to expand to their property site footprint before eventually constructing a new building to service buses and RVs on their own land. The only land my parents had available was zoned Farm Use -EFU which would not allow for such expansion. The Option 1F area does have mixed use, industrial, employment and vibrant commercial activity. More space is needed for business and employment in the Option 1F area.

Metro Revised Findings for Clackamas County Urban and Rural Reserves, April 21, 2011.

*"Conclusions and Analysis:* Designation of the Boring Area as an Urban Reserve is consistent with OAR 660-027. The Boring Urban Reserve provides one of Clackamas County's few identified employment land opportunities. The larger, flat parcels in Area 1F are suitable as employment land. This area is served by St. Hwy. 26 and St. Hwy 212, transportation facilities that have been identified by ODOT as having additional capacity. Development of this area for employment uses also would be a logical complement to the Springwater employment area in Gresham." P-7

When land is zoned 401 Exclusive Farm Use District (EFU) essentially the land is limited to farm related use. As supported by Exhibit B to Metro Council Ordinance No. 11-1255 the Option 1F area is one of Clackamas County's few area suitable for employment. Recently a former horse stables was converted to a "marijuana grow" site. With 401 EFU zoning you get this or maybe tractor or farm implement sales. If zoning could be changed to 602 Business Park (PB), Light Industrial (LI) or General Industrial (GI) the area is opened to electrical vehicle charging stations, exhibit halls, retail, trade schools, offices, research facilities, professional services, solar energy systems as well as many other permitted uses.

Please continue to keep Boring Option 1F area under consideration for worthy future development.

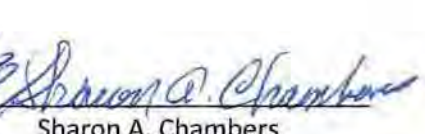
Sincerely,



Dee A. Anders  
(202) 579-8442  
[danders.trade.law@att.net](mailto:danders.trade.law@att.net)



John D. Chambers  
(503) 887-0070  
[john@chambersmotorco.com](mailto:john@chambersmotorco.com)



Sharon A. Chambers  
(503) 887-0060  
[sharon@chambersmotorco.com](mailto:sharon@chambersmotorco.com)



**Boring Oregon  
& Dull Scotland  
A Pair for the Ages**

**Every August 9<sup>th</sup> is a Boring & Dull Day**

**BORING COMMUNITY PLANNING ORGANIZATION  
P. O. Box 363 Boring, Oregon 97009**

Michael Fitz, Chair

DAYTIME TELEPHONE: 503-502-5837

EMAIL: [fitz@StarOilCo.com](mailto:fitz@StarOilCo.com)

[www.boringcpo.org](http://www.boringcpo.org)

November 3, 2015

Metro  
600 NE Grand Avenue  
Portland, Oregon 97232-2736

cc: Clackamas County Board of County Commissioners  
2051 Kaen Road Oregon City, Oregon 97045

***Written Testimony Submitted for Public Hearing – November 19, 2015 2:00 pm***

Concerning the Remand from the Court of Appeals referencing the  
Urban and Rural Reserves for the Portland metropolitan area

To Whom It May Concern;

As a result of the Remand of the Urban and Rural Reserves Intergovernmental Agreement, on September 1, 2015, the Boring Community Planning Organization adopted a Position Statement requesting the removal of the Boring area from the Urban Reserves. (A copy of this Position Statement is attached as Exhibit 1) This was presented to the Clackamas County Board of Commissioners and it is our understanding that Metro has received a letter that discusses the Boring Reserves.

This written testimony extends the request for removal of Boring from the Urban Reserves and adds to it that all lands within the boundaries of the Boring Community Planning Organization be removed from the Urban and Rural Reserves for the following reasons:

1) As the Preface of the Intergovernmental Agreement states the intent to:

Facilitate long-term planning for urbanization in the region that best achieves Livable communities and Viability and vitality of the agricultural and forest industries;

Be it known that inclusion of the lands within the boundaries of the Boring Community Planning Organization in the Urban and Rural Reserves does not meet the goal of Viability and vitality of the agricultural and forest industries because:

**Boring Oregon  
& Dull Scotland  
A Pair for the Ages**

**Every August 9<sup>th</sup> is a Boring & Dull Day**

**BORING COMMUNITY PLANNING ORGANIZATION**

**P. O. Box 363 Boring, Oregon 97009**

Michael Fitz, Chair

DAYTIME TELEPHONE: 503-502-5837

EMAIL: [fitz@StarOilCo.com](mailto:fitz@StarOilCo.com)

[www.boringcpo.org](http://www.boringcpo.org)

- a) The Urban Reserves as selected by Metro includes more active agricultural acreage than the Rural Reserves as selected by Clackamas County within the boundaries of the Boring Community Planning Organization.
- b) The active agricultural acreage within the boundaries of the Boring Community Planning Organization is extremely productive farm land and known as Foundation Farm Land.
- c) The active agricultural acreage within the boundaries of the Boring Community Planning Organization extensively provides jobs and economic vitality for the Boring community and Clackamas County.
- d) To urbanize the community of Boring without mixed use considerations will not meet the goal of Livable communities.

- 2) As Exhibit B assigns the Concept Plan responsibilities to Damascus or Gresham for the Clackanomah Reserves;

Be it known that the Boring Community Planning Organization takes the position that this assignment is not acceptable for the following reasons:

- a) The City of Damascus has yet to adopt a Comprehensive Plan
- b) Concerning the Springwater Community Planning Area, the City of Gresham has not experienced positive results.
- c) The City of Gresham is in a different county than Boring.

- 3) Exhibit B also references on Page 2, Paragraph 8 the Highway 26 Greenway Corridor Agreement that was terminated by Clackamas County on February 7, 2013;

Be it known that the Boring Community Planning Organization takes the position that Paragraph 8 should be stricken from the Intergovernmental Agreement altogether.

In conclusion, the Boring Community Planning Organization hereby requests the removal of all lands within its boundaries from the Urban and Rural Reserves, making all of these lands Un-Designated.

Respectfully submitted,

  
Michael Fitz, Chair



**Boring Oregon  
& Dull Scotland  
A Pair for the Ages**

**Every August 9<sup>th</sup> is Boring & Dull Day**

**BORING COMMUNITY PLANNING ORGANIZATION**

**P. O. Box 363 Boring, Oregon 97009**

Michael Fitz, Chair

DAYTIME TELEPHONE: 503-502-5837

EMAIL: [fitz@StarOilCo.com](mailto:fitz@StarOilCo.com)

[www.boringcpo.org](http://www.boringcpo.org)

**POSITION STATEMENT dated September 1, 2015**

Representing the residents, business and property owners within the Community of Boring: the Boring Community Planning Organization hereby states:

As the By-Laws of the Boring Community Planning Organization state in Article III, Section 1. PURPOSE: *The purpose of the BCPO is to serve the residents within the boundaries of the BCPO in matters concerning community development, land use and community issues in general.* And,

**Whereas**, representatives of Clackamas County have implied that Community Planning Organizations within Clackamas County are not an extension of County Governance and therefore, experience autonomy. And,

**Whereas**, Metro President Tom Hughes stated in a legislative hearing: "if you have a problem, go talk to your County". And,

**Whereas**, Clackamas County and Metro adopted and signed an Intergovernmental Agreement to establish the Clackanomah Urban and Rural Reserves. And,

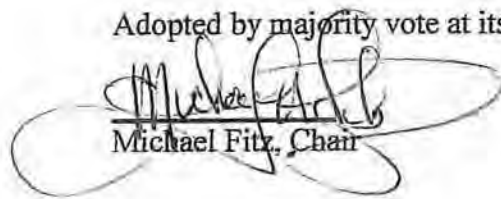
**Whereas**, there is more active agricultural acreage within the Urban Reserve than the Rural Reserve within the boundaries of the Boring Community Planning Organization. And,

**Whereas**, there is a Remand from the Courts allowing for the review of such Reserves;

It is hereby stated that the people of Boring take the position that acreage known as the Urban Reserves within the Boring Community Planning Organization boundaries be removed from the Urban Reserves designation and must be declared Un-Designated.

With this statement, it is requested of the Clackamas County Board of Commissioners to proceed to honor the wishes of the people of Boring as stated herein.

Adopted by majority vote at its regular scheduled meeting, September 1, 2015;

  
Michael Fitz, Chair

November 11, 2015

To the Metro Council:

My name is Jon Iverson and I am the president of Clackamas County Farm Bureau, as well as a farmer in Clackamas County.

Unfortunately I am unable to attend the hearing on November 19th.

The Clackamas County Farm Bureau would encourage Metro to re-classify the community of Boring to Undesignated instead of Urban reserve. There are several farms in the area that would like to continue farming and designating them urban reserve and subsequently entering into the Urban Growth Boundary would put more pressure on their operations.

It seems it has only been a couple of years since we worked on the urban and rural reserve lines.

But, due to the remand from the Court of Appeals, it is important to revisit the Boring designations

As a 28 year old farmer it is already near impossible for me to afford to buy land to farm. If the Boring farmland is allowed to stay in the Urban Reserves and subsequently moved inside the Urban Growth Boundary, the farmland's cost will increase as investors can buy the ground for more money in the hopes of pressuring for further urbanization.

I want to thank you for reading my letter I know the task you have at hand is not an easy one but I hope that you understand my points.

Sincerely,



Jon Iverson

Clackamas County Farm Bureau President

Jeffrey G. Condit, P.C.  
jeff.condit@millernash.com  
503.205.2305 direct line

November 19, 2015

Mr. Tom Hughes  
Council President  
and Metro Councilors  
Metro Regional Center  
600 N.E. Grand Avenue  
Portland, Oregon 97232-2736

Subject: Testimony of the Cities of West Linn and Tualatin

Dear Council President Hughes and Metro Councilors:

We represent the Cities of Tualatin and West Linn ("Cities"). Please accept this letter and attached exhibits in the record as the Cities' testimony on the designation of the four Stafford study areas ("Stafford") as urban reserve.

## I. INTRODUCTION

It continues to be the Cities' position that the evidence in the record does not support the designation of Urban Reserve Areas 4A (Stafford), 4B (Rosemont), 4C (Borland), and 4D (Norwood) (collectively, "Stafford") under the eight urban reserve factors set forth in ORS 195.145(5)/OAR 660-027-0050<sup>1</sup> (the "Factors"). See Stafford:

<sup>1</sup> The Administrative Rule adds two additional factors to the statutory list. OAR 660-027-0060 provides:

"Factors for Designation of Lands as Urban Reserves

"Urban Reserve Factors: When identifying and selecting lands for designation as urban reserves under this division, Metro shall base its decision on consideration of whether land proposed for designation as urban reserves, alone or in conjunction with land inside the UGB:

"(1) Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;

"(2) Includes sufficient development capacity to support a healthy economy;

Mr. Tom Hughes  
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Page 2

A Joint Statement, issued by the cities of Lake Oswego, Tualatin, and West Linn, dated May 26, 2015. Ex. 1. The record demonstrates that Stafford cannot be efficiently or cost effectively served by urban services, particularly transportation. The Cities do not have sufficient funding to address their current capital infrastructure needs even in the absence of Stafford, and there is no identified funding available in the foreseeable future to pay for these infrastructure needs. Finally, the slopes, streams, and existing parcelized development pattern in the Stafford area make it extremely difficult to redevelop into the walkable, mixed-housing type, transit-friendly, urban development envisioned in the Factors. The Cities do not believe that the development potential of Stafford is worth the substantial public investment required.

Given this record, the only path forward that would support designation of Stafford under the Factors is if the designation included some type of enforceable limitation on consideration of Stafford for addition to the Metropolitan Urban Growth until plans are developed and funding is identified to provide the necessary urban services.

## **II. BACKGROUND**

Metro and the counties adopted joint and concurrent decisions designating urban and rural reserves pursuant to ORS 195.137 to ORS 195.145 and OAR 660-027-0050 in 2010 (the "Metro Decision"). The Metro Decision was submitted

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"(3) Can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers;

"(4) Can be designed to be walkable and served with a well-connected system of streets, bikeways, recreation trails and public transit by appropriate service providers;

"(5) Can be designed to preserve and enhance natural ecological systems;

"(6) Includes sufficient land suitable for a range of needed housing types;

"(7) Can be developed in a way that preserves important natural landscape features included in urban reserves; and

"(8) Can be designed to avoid or minimize adverse effects on farm and forest practices, and adverse effects on important natural landscape features, on nearby land including land designated as rural reserves."



Mr. Tom Hughes  
Metro Council  
November 19, 2015  
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to LCDC for acknowledgment on June 23, 2010. On October 29, 2010, following the objections and the hearings process, LCDC passed a motion approving the designation of urban and rural reserves in Clackamas and Multnomah Counties, but remanded Washington County's designation.

Metro and Washington County revised their decisions in April 2011, and Metro resubmitted the Metro Decision, as revised, on May 31, 2011. After another round of objections and hearings during the summer of 2011, LCDC moved to approve the Metro Decision at the conclusion of its hearing on August 19, 2011. LCDC issued its final Order almost one year later on August 14, 2012.

The Cities have consistently objected to the designation of Urban Reserve Areas 4A (Stafford), 4B (Rosemont), 4C (Borland), and 4D (Norwood) (collectively, "Stafford") as urban reserves throughout the Clackamas County, Metro, and LCDC proceedings. The Cities were among multiple parties that petitioned the Court of Appeals for review of LCDC's decision.

On February 20, 2014, the Oregon Court of Appeals issued its decision in Barkers Five, LLC v. LCDC, 261 Or App 259, 323 P3d 368 (2014) ("Barkers Five"). The decision upheld much of LCDC's interpretation and application of the legal framework and applicable rules for designation of urban and rural reserves, but concluded that LCDC had misapplied the law in the following four ways:

1. By approving Washington County's misapplication of the rural-reserve factors applicable to agricultural land;
2. By concluding that Multnomah County had adequately considered the rural-reserve factors pertaining to Area 9D (West Hills North);
3. By concluding that LCDC had the authority to approve a local government's inadequate findings if the evidence in the record "clearly supports" the decision; and

Mr. Tom Hughes  
Metro Council  
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4. By failing to meaningfully explain why—"even in light of weighty countervailing evidence"—Metro and the Counties' designation of Stafford as urban reserve is supported by substantial evidence. Barkers Five, 261 Or App at 265. The Court found that Metro and Clackamas County's reasoning with regard to Stafford—that development conditions would improve over the 50-year planning period—was "impermissibly speculative." Barkers Five, 261 Or App at 362.

In March 2014, the 2014 legislature enacted House Bill ("HB") 4078, the so-called "grand bargain" bill. HB 4078 substantially modified the urban and rural reserves designated by Metro in Metro Resolution 11-4245 in Washington County and legislatively designated them as modified. HB 4078 § 3. HB 4078 also legislatively validated Metro's subsequent urban growth boundary decision pursuant to Metro Ordinance 11-1264B, with three modifications. HB 4078 § 4. These enactments essentially mooted the Barkers Five decision regarding the Washington County urban and rural reserves.

HB 4078 did not resolve the remand issues with regard to Clackamas or Multnomah Counties. LCDC considered the remand during hearings in the fall of 2014 and winter 2014, and on March 16, 2015, remanded the decision back Metro and the counties.<sup>2</sup>

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<sup>2</sup> The Cities and many of the other parties to the case petitioned LCDC for review of the LCDC director's initial remand order issued January 15, 2015, on the grounds that it appeared to limit Metro's scope of review on remand in manner contrary to the Court of Appeals decision. LCDC heard oral argument on the petitions on March 12, 2015, and the director issued the revised order on March 16, which basically incorporated the direction verbatim from the Court of Appeals decision. As the Cities noted before LCDC, Metro's and the Counties' designation of urban and rural reserves was a legislative decision. The "law of the case" doctrine does not apply to legislative decisions. Hatley v. Umatilla County, 256 Or App 91, 106-112, 301 P2d 920 (2013). The Cities (and any other interested person) are free to raise any relevant issues on remand.

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### III. APPROPRIATE CONSTRUCTION OF THE FACTORS

OAR 660-027-0050 requires Metro to base its decision identifying and selecting lands for designation as urban reserves on the Factors. As Metro's September 30, 2015, Staff Report ("Staff Report") correctly notes, the Barkers Five court agreed with LCDC that the Factors were not individual approval criteria. But neither are they "discretionary" considerations as stated in the Staff Report. The court held that the Factors were intended to apply in the same manner as the boundary location factors of Statewide Land Use Planning Goal 14. Barkers Five, 261 Or App at 295-301.

""[C]onsideration' of the factors requires that the local government (a) apply and evaluate each factor, (b) weigh and balance the factors as a whole, and (c) meaningfully explain why a designation as urban or rural reserves is appropriate. As we succinctly explained in Ryland Homes,<sup>3</sup> 'consideration' means that a local government 'has an obligation to consider each of the [applicable] factors and to articulate its thinking regarding the factor and the role that each factor played in balancing all of the factors.' 174 Or App at 416." Barkers Five, 261 Or App at 300.

This then is Metro's task with regard to Stafford on remand.<sup>4</sup>

The Cities also believe that Metro previously misapplied the balancing of the Factors. Both Metro's and LCDC's prior orders acknowledged the high cost of service and significant development constraints with regard to the urbanization of Stafford under the individual Factors, but conclude that the Factors "as a whole" or "on balance" support the designation of Stafford as urban reserve. The only articulated basis for this conclusion was the following finding:

"Designation of this 4,700 acre area as an Urban Reserve avoids designation of other areas containing Foundation or Important

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<sup>3</sup> 1000 Friends of Oregon v. Metro, 174 Or App 406, 26 P3d 151 (2001) ("Ryland Homes").

<sup>4</sup> Because the Barkers court concluded that remand was required on the transportation issue, it did not address the Cities' other subassignments in their second assignment of error. Barkers Five, 261 Or App at 362-63. The Cities' other subassignments made similar arguments that the Metro/LCDC order failed to address conflicting evidence submitted by the Cities, was speculative and conclusory, failed to consider and balance the factors as a whole, and failed to meaningfully explain why a designation of Stafford as urban reserves is appropriate. It is the Cities' position that Metro must address all of these issues on remand.

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Agricultural Land. It would be difficult to justify designation of Foundation Farm Land in the region, if this area, which is comprised entirely of Conflicted Agricultural Land, were not designated as Urban Reserve (see OAR 660-027-0040(11))."

At the threshold, HB 4078 legislatively designates urban and rural reserves in Washington County, which contain the majority of Foundation Agricultural Land in the Metro region. Failure to designate Stafford will therefore have no effect on the designation of Foundation Agricultural Land, at least in Washington County. On remand, Metro must address this change in circumstance.

In addition, and more importantly, the 2007 legislative history behind ORS 195.137 to ORS 195.145 set forth in Barkers Five indicates that one of the primary purposes for enactment of this alternative urban/rural reserve process in 2007 was to get away from the strict hierarchy for inclusion of lands in ORS 197.298 so that the designation of urban reserves would be "based principally on the suitability of land for eventual urban development," rather than on whether it was less suitable for farming than other candidate lands. Barkers Five, 261 Or App at 271 n.5; see also, 261 Or App at 266, 272 n.8 (quoting testimony by Metro). The trade-off under the statute for this greater flexibility was the designation of rural reserves to protect significant farmland from urbanization for the 50-year planning period.<sup>5</sup> See ORS 195.143(3); Barkers Five, 261 Or App at 276 n.10.

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<sup>5</sup> Rep. Jackie Dingfelder served as Chair of the House Committee of Environment and Natural Resources that considered the bill in the House. App-94. She made the following explanation of the bill (2007 SB 1011) prior to the vote in the House of Representatives:

"In Section 6, [SB 1011] creates a new process for designating urban reserves or areas that are expected to accommodate growth over the long term. These areas are the first in line when land needs to be brought into the UGB, and under this new process, selection of urban reserves will be based on a set of factors that consider how well land can be woven into the urban fabric of the region, rather than the current approach of selecting urban reserves based on factors that are related to their quality as farmland. In effect, this will make it easier to urbanize land that may have good soil, but is not necessarily critical to the agricultural economy." Oregon House Chamber June 11, 2007, 1:59 p.m., 1:48:56.<sup>5</sup>

Rep. Dingfelder: "Meanwhile, in Section 3, the bill authorizes the creation of a new category of land called rural reserves, and this is off limits to urban expansion. These are the lands that are critical to the functioning and long-term viability of the agricultural

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That other farmland might have to be designated as urban reserve<sup>6</sup> is therefore not legally relevant to the question of whether Stafford is suitable for designation as urban reserve based on consideration of the Factors.

The Staff Report appears to fall back into error on this issue by stressing that Stafford was determined by the Department of Agriculture to be "conflicted" agricultural land and not "foundation" agricultural land. The relevant question under the Factors is whether Stafford is suitable for urban development.<sup>7</sup>

Finally, it is the Cities' position that the Factors have to be construed in their statutory context. See PGE v. Bureau of Labor and Industries, 317 Or 606, 610-12, 859 P2d 1143 (1993) and State v. Gaines, 346 Or 160, 171-73, 206 P3d 1042 (2009) (the courts construe a statute by first looking at the text, context, and legislative history of the provision). Lane County v. LDCD, 325 Or 569, 578, 942 P2d 278 (1997) ("[W]e do not look at one subsection of a statute in a vacuum; rather, we construe each part together with the other parts in an attempt to produce a harmonious whole."); Morsman v. City of Madras, 203 Or App 546, 561, 126 P3d 6, rev denied, 340 Or 483 (2006) (relevant "context" includes provisions in the same chapter or statutory scheme).

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industry \* \* \*." Oregon House Chamber June 11, 2007, 1:59 p.m., 1:49:44. (See also App-36, 101-02, 146.)

<sup>6</sup> The Cities further note that Metro's decision did not identify what foundation farm lands would be at risk if Stafford were to remain undesignated or explain why the justification required by OAR 660-027-0040(11) would not be satisfied by a conclusion that Stafford is unsuitable for designation under the Factors. The Stafford acreage could easily be made up from exception and nonfoundation farmland that was left undesignated. (This is particularly given that actual developable acreage in Stafford is much smaller than the 4,700 acres noted by Metro. See discussion below.) In addition, now that the legislature has effectively decoupled Washington County from the region, nothing would prevent Metro and Clackamas County from selecting the shorter 40-year planning horizon allowable under ORS 195.145(4) and reducing the target land need to the lower end of the urban reserve range and thereby leaving Stafford undesignated. (Metro does not have to consider designation on regional basis; ORS 195.141 allows Metro and "a county" to agree to designate urban and rural reserves.) A 40-year planning period is not only a feasible alternative, this approach was "strongly" recommended in the October 14, 2009, Joint State Agency Comments. The Department of Land Conservation and Development was a party to this letter. Metro-1370 to -1390; time frame recommendation at 1373.

<sup>7</sup> We note, however, that most of the Stafford and Rosemont areas is zoned for exclusive farm use and do contain many active farming operations, including wineries, nurseries, and Christmas Tree farms.

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The most relevant statute in the context of urban reserves is ORS 197.298, the so-called "Priorities Statute." Under ORS 197.298(1), urban reserve lands designated under ORS 195.145 become first priority for inclusion in the Metropolitan Urban Growth Boundary ("UGB") at such time as Metro determines that there is a need to expand the boundary. Under ORS 197.299, Metro must conduct a review of the buildable land supply every five years, and must expand the UGB to maintain a 20-year supply of buildable land. Under the Metro's recent decision not to expand the UGB, this will next happen less than three years from now, in 2018.

The question that the Metro Council needs to consider when reviewing the suitability of Stafford for designation under the Factors is whether Stafford will be ready to be first priority for inclusion in the UGB in three years (or eight) (or thirteen).

#### **IV. SUBSTANTIAL EVIDENCE**

Staff suggested at the October 8, 2015, hearing that the substantial evidence standard is a low bar. In point of fact, it requires a careful consideration of the evidence presented in the record, including the conflicting evidence, and an explanation of why the decision-maker found certain evidence more probative than the conflicting evidence. "Substantial" evidence is evidence a reasonable person would rely on in reaching a decision considering the evidence in the whole record. City of Portland v. Bureau of Labor and Ind., 298 Or 104, 119, 690 P2d 475 (1984). In order to determine whether evidence is "substantial" it must be considered in the context of conflicting evidence in the whole record. Younger v. City of Portland, 305 Or 346, 360, 752 P2d 262 (1988). When conflicting evidence is submitted into the record, the failure of the decision maker to address that conflicting evidence and explain why it found the evidence relied upon more persuasive is a failure to demonstrate that substantial evidence supports its decision. Younger, id.; Gould v. Deschutes County, 59 Or LUBA 435, 457-58 (2009).

Metro's prior decision completely failed to address the conflicting evidence submitted by the Cities; and, indeed, essentially conceded that that the Cities were correct. LCDRC's adoption of Metro's inadequate findings and order is what caused the Court of Appeals to conclude that LCDRC had misapplied the substantial evidence test as a matter of law. 261 Or App at 362-63. Had LCDRC correctly applied the test, it would have found that Metro's speculative findings were not supported by substantial evidence.

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As the discussion below indicates, there is no credible evidence in the record to suggest that Stafford will be suitable for urbanization in the foreseeable future and lots of weighty evidence to the contrary. Any speculation that Stafford *could* become suitable during the 50-year planning period is just that—and is not substantial evidence according to the Court of Appeals.

## **V. CONSIDERATION OF THE FACTORS IN LIGHT OF THE EVIDENCE**

### **A. Factors 1 and 3.**

When designating lands as urban reserve, OAR 660-027-0050 requires Metro to consider whether such land “[c]an be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments” (Factor 1), and “can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers” (Factor 3).

1. Transportation. The Court of Appeals remanded the prior decision because Metro and the County failed to adequately address the Cities' arguments and evidence under these Factors with regard to the Metro Regional Transportation Plan ("RTP"):

"In other words—and significantly—Metro and the county do not take issue with the correctness of the evidence to which West Linn<sup>8</sup> points—viz., that the RTP indicates that, by 2035, almost all of the transportation facilities serving Stafford will be failing. Instead, they reason that the evidence is immaterial because (1) the RTP is only a prediction of traffic flows for a 25-year period; (2) the urban reserves planning period extends to 2060, which is 25 years beyond the time frame addressed in the 2035 RTP; and (3) the transportation system will necessarily change (e.g., a new light-rail line in the vicinity of I-205 has been identified as a 'next phase' of regional priority). Stated simply, Metro and the county's reasoning reduces to nothing more than the proposition that the transportation system will change—and presumably improve—by 2060. However, Metro and the county do not explain, by reference to the

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<sup>8</sup> The Court referred to both Cities as "West Linn" for convenience.

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evidence in the record, why that is so. Bluntly: Metro and the county's reasoning—which LCDC essentially adopted in resolving the substantial evidence challenge—is impermissibly speculative.

"Although the designation of land as urban reserve must be based on consideration of the factors, which requires, among other things, that the factors are weighed and balanced as a whole—and although Metro and the counties need not demonstrate 'compliance' with any factor—the provision of adequate transportation facilities is critical to the development of urban areas. Evidence demonstrating that 'the RTP indicates that almost all of the transportation system that would provide access to the Stafford Area will be functioning at service level F (for "failing") by 2035,' is weighty, countervailing evidence that is squarely at odds with LCDC's determination that the designation of Stafford as urban reserve is supported by substantial evidence. In its order, LCDC acknowledged the evidence to which West Linn points, but, in response, did nothing more than adopt Metro and the county's speculative reasoning that the transportation system will presumably improve by 2060.

"In sum, West Linn has pointed to weighty, countervailing evidence that is squarely at odds with LCDC's determination that the designation of Stafford as urban reserve is supported by substantial evidence, and LCDC has failed to meaningfully explain why—even in light of that conflicting evidence—Metro and the counties' designation of Stafford as urban reserve is supported by substantial evidence. See Younger, 305 Or App at 360; Barkers Five, 261 Or App at 361-63."

The Staff Report argues that the 2010 RTP<sup>9</sup> is not relevant evidence under the Factors. It is manifestly relevant. Factor 1 asks Metro to consider whether urban development can be efficiently served by existing and future infrastructure investments. Factor 3 asks whether such lands can be served by appropriate and financially capable service providers. These are precisely the questions that the RTP is designed to address.

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<sup>9</sup> The RTP adopted in 2010 is actually entitled the 2035 RTP. We refer to it as the 2010 RTP to avoid confusion with the 2014 RTP (which goes to 2040).



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The Metro RTP serves as both the required federal transportation policy document and as Metro's Transportation System Plan under Goal 12. See Metro Code ("MC") 3.08.010; OAR 660, Division 12. It is based upon projected transportation needs over the planning period and its project list is based upon projected available funding, as required by federal law. MC 3.08.210 to 3.08.310. Cities and counties are required to comply with the plan in adopting their own TSPs under Goal 12. MC 3.08.510; OAR 660-012-0016.

Metro's RTP webpage describes the RTP as follows:

"Every four years, Metro is required to update the Regional Transportation Plan, a guide for future investments in the region's transportation system.

"The plan establishes policies and priorities for:

- "• travel by motor vehicle, transit, foot and bicycle
- "• movement of goods and services
- "• street design and the efficient management of the overall system

"Each update is shaped by growth forecasts in population, jobs and travel. The plan also evaluates federal, state and local funding for transportation improvements, estimates project costs and proposes funding strategies."

The Staff Report claims that the RTP is not relevant because the RTP must be updated every four years and thus it is "only a snapshot in time." That is true of *all* planning documents; they all do and should evolve over time. The Metro Council just based its UGB decision on population and land need projections that have to be updated every five years. The only certainty with regard to any of these planning projections is that they will change. But a governing body has to base each decision on the relevant evidence that exists at the time of the decision, whether that be the current regional buildable lands inventory or the RTP.

The Staff Report also argues that if Stafford is designated as urban reserve, that will require concept planning, which will result in amendments to the RTP for new

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projects, which will solve the transportation problems in Stafford.<sup>10</sup> This is the same kind of purely speculative wishful thinking that earned Metro a remand the first time around. In point of fact, the 2014 RTP concludes that projected funding is not sufficient to meet the performance targets in the current plan across the region and suggests implementation of some very aggressive (and highly problematic) new revenue sources to better meet projected needs under the RTP's "Investment Strategy."<sup>11</sup> 2014 RTP page 3-19, attached as Ex. 2. If Stafford is designated, it will add expensive new projects to the mix that will compete with projects region-wide for this funding, which may never materialize. In light of this evidence and considering Factors 1 and 3, why would Metro designate Stafford as urban reserve and thereby add its attendant huge transportation costs to an already underfunded list of existing needs?

For these reasons, the RTP is not only relevant to the considerations required by Factors 1 and 3, it is some of the best evidence in the region regarding the capacity of existing and planned transportation facilities and the region's financial capacity to build them.

The Staff Report next argues that even if the 2010 RTP is relevant, the Cities' arguments are "refuted" by the 2014 RTP. The Cities disagree. If one compares the 2010 Mobility Maps with their 2014 analogs, they are actually substantially similar. (2010 Mobility Maps attached as Ex. 3; 2014 Mobility Maps attached at Ex.4.) Most of the same stretches of Stafford and Borland Roads and Highway 43 are shown as not

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<sup>10</sup> In making this argument, the Staff report states that the 2010 RTP did not consider Stafford because it was an undesignated rural residential area outside of the UGB at the time the RTP was adopted. This is not entirely the case. Metro and Clackamas County adopted ordinances designating urban and rural reserves, including Stafford, in April of 2010. The 2010 RTP was enacted on June 10, and did take into account the urban reserve designations. See the Cities July 14, 2010, testimony to LCDC in the record. Also, as noted above, much of Stafford is zoned for exclusive farm use.

<sup>11</sup> These include: a \$2 per year increase in the state vehicle registration fee through 2035; a local regional vehicle registration fee equivalent to \$1 per for the same period; increasing local system development charges across the region to the regional average (which would violate the current SDC statute, which requires SDCs to be based on local capital improvement plans), a .02 increase in TriMet's payroll tax, and local street utility fees to fund operation, maintenance, and preservation. The Investment Strategy also relies on \$800 million of new state RTP revenue. These are all very heavy lifts, as evidenced by Congress's continuing inability to reauthorize the Highway Fund, the State's inability to pass a transportation funding package, and the City of Portland's failure to pass a street utility fee. And if, as the RTP implies, all local maintenance funding would shift to a street fee to free up other transportation dollars for capital projects, that would require dramatic increases in the adopted street fees throughout the region, most of which were designed to supplement static gas tax revenues.

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meeting the mobility policy under the "no build" and the "Federal Priorities" alternatives on both the 2010 and 2014 maps. The only map that shows some improvement is the 2040 "Investment Strategy," but that still shows that large stretches of Stafford and Rosemont Roads and Highway 43 will not meet the mobility policy. As noted above, the Investment Strategy is not based upon projected available funding, but is what the region will do if it can find the extra money from all of the problematic sources discussed above.

Attached as Ex. 5 is a list of the failing sections of road and projected 2014 RTP projects under the three scenarios. Under the Federal Constraints scenario, which is based on the likely available funding, there are five listed projects that would serve Stafford totaling approximately \$50 to \$110 million. Even with that investment, large sections of I-205, Stafford Road, Rosemont Road, Highway 43, and the Stafford overpass are all failing. Further, two of the five projects are not scheduled until 2033 to 2040. Under the Investment Strategy, which is based upon tapping into all of the problematic revenue sources noted above, there are six additional projects totaling approximately \$475 million to over \$1 billion. Even under this "win-the-lottery" funding scenario, large sections of Stafford, Rosemont, Highway 43, and the Stafford overpass continue to be failing. Reflecting the uncertain funding for these projects, most of these projects are unscheduled and the one that is scheduled is at the end of the planning period (2033 to 2040). Finally, even if the Investment Strategy is fully implemented, it demonstrates that traffic congestion will still be significantly worse as compared with the 2010 base-year map (See Ex. 3).

For these reasons, the 2010 and 2014 RTPs are both relevant and probative to the question of whether Stafford "can be developed at urban densities in a way that makes efficient use of existing and future public infrastructure investments" (Reserve Factor 1) or "can be served by . . . urban-level public facilities and services efficiently and cost effectively by appropriate and financially capable service providers" (Reserve Factor 3). The 2014 RTP may not be quite as damning as the 2010 RTP, but it still demonstrates that the region does not have current or projected infrastructure or the financial capacity to absorb the transportation impacts from the urbanization of Stafford for at least the next 25 years.

The Court of Appeals stopped with the analysis of the City's RTP argument, but the Cities also cited corroborating evidence in support of their argument that the transportation costs of urbanizing Stafford are simply too great. ODOT's Highway Analysis submitted to the Core Four concluded that the stretch of I-205 from

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I-5 to Or 212/224 had very low capacity to accommodate additional growth as a result of urbanization, and that relative cost of improvements is "huge," one of only 3 out of the listed 21 regional facilities to earn this dubious distinction. Ex. 6.

In addition, the Cities cited to the Stafford Basin Concept Planning Level Cost Estimates dated July 13, 2009, prepared by CH2M Hill (discussed in more detail below) (Ex. 7). This document, which only addressed the Borland and Norwood areas and Area 4E, concluded that the cost of City transportation improvements would be \$163 million. This analysis did not include any improvements to I-205 or the impacts to Stafford or Rosemont Roads or Highway 43.

The City also attaches a section of the 2014 RTP relating to Mobility Corridor 10 (Oregon City to Tualatin). It notes that there are over \$300 million in unfunded projects needed for the corridor. Ex. 8

According to Metro's 2040 Transportation Analysis Zone (TAZ) Forecast Allocations, households and employment in Stafford are projected to almost triple by 2040.<sup>12</sup> Ex. 9. According to Metro's planning documents, significant development will occur in Stafford during the first 25 years of the 50-year reserves planning period and there will not be a transportation system in place that can handle that level of development.<sup>13</sup>

We finally note that in the interval between Metro's prior decision and its current consideration, Clackamas County and City of Tualatin voters have enacted ballot measures requiring a public vote before either jurisdiction can expend any funds to plan for, design, or construct rail projects. This makes light rail a much more unlikely solution to alleviate transportation impacts caused by the urbanization of Stafford.<sup>14</sup>

For these reasons, Stafford is not suitable for designation as urban reserve under Factors 1 and 3 with regard to transportation. As the Court of Appeals noted, adequate transportation facilities are critical to urbanization.

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<sup>12</sup> Presumably this is not full build-out.

<sup>13</sup> This Metro estimate also undermines its prior argument that the 50-year planning period for urban reserves means that things will change before Stafford is urbanized.

<sup>14</sup> We note that the Lake Oswego and West Linn charters also require a public vote on annexation. It is going to be very difficult to obtain a "yes" for any annexation that is likely to increase transportation or utility costs, or create more congestion.

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2. Other Public Facilities. As noted in the Staff Report, a February 9, 2009, analysis prepared by Core 4<sup>15</sup> technical team (the "Core 4 Analysis")<sup>16</sup> indicated that sewer and water service could be suitably provided to Stafford. The City of Tualatin hired the engineering firm CH2M Hill to conduct a more detailed analysis of costs and feasibility of extending all urban services to Stafford Basin and Norwood. On October 13, 2009, the City submitted testimony to the Reserve Steering Committee, including the CH2M Hill studies. See Ex. 7. Based on this evidence and testimony, the Cities argued that the evidence in the record did not support a conclusion that Stafford can be efficiently or cost effectively served by a financially capable water and sewer service provider as set forth in in Factors 1 and 3.

The Staff Report relies on the Core 4 Analysis and the Clackamas County Analysis and concludes that the CH2M Hill Study is not relevant because it does not consider sewer or water service to the Stafford and Rosemont study areas.

First, the Core 4 team memos specifically state that their analyses were "preliminary" and were based on "a broad landscape-scale lens."<sup>17</sup> The same is true of the Clackamas County analysis.<sup>18</sup> Further, both were completed before the CH2M Hill study and thus do not address it.

The CH2M Hill study is much more detailed than either the Core 4 or County studies. It defines the projects necessary to provide sewer and water (and transportation services) to Borland/Norwood, and estimates the specific costs of those projects (Wastewater: \$148 million; Water: \$61 million; Transportation: \$163 million). Based upon these analyses, the City submitted testimony, including a point by point critique of the Clackamas County study, explaining the basis for its conclusion that

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<sup>15</sup> Metro and the three counties were referred to as "Core 4" during the original urban/rural reserve designation process.

<sup>16</sup> Metro-1163 to -1188. This is reference to the Metro Record which is included in the record submitted by LCDC to the Court of Appeals, and is based upon the pagination of the Court of Appeals record. The Clackamas County record is also contained in the Court of Appeals Record. We reference citations to these records as Clack-. We submit the Court of Appeals Record and the Barkers petitioners Joint Excerpt of the Record as Ex. 10 and Ex. 11. Citations to the Joint Excerpt are references as JER-. Citations to the LCDC section of the Court of Appeals Record is cited as R-.

<sup>17</sup> Metro-1163, 1168, 1181

<sup>18</sup> Clack-704, 795 to 796.

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Stafford in general and Borland/Norwood in particular did not qualify for urban reserve designation because of the expense and difficulty of providing these urban services.  
Ex. 12.

As noted above, "substantial evidence" is evidence a reasonable person would believe after review of conflicting evidence. The much more detailed CH2M Hill study is far more compelling and weighty than the Core 4 or County studies. At least for Borland and Norwood, a reasonable person would not rely on Core 4 or County study when a subsequent much more detailed engineering study shows how the earlier more cursory analyses were flawed. Although the CH2M Hill study does not directly address Stafford or Rosemont, it does reveal the flaws with the more broad-brush Core Four and County studies and thereby undermines those findings overall.

In further support of this argument, we have attached letters from the City of Tualatin and West Linn discussing their current capital improvement plans. Ex. 13 and Ex. 14. As noted, neither plan (with one limited exception) contemplates service to Stafford, but both plans outline substantial unfunded projects inside the current city limits: \$56 million for West Line and \$850 million for Tualatin. The West Linn letter notes that the City is near build out and the service to Stafford would require capacity enhancements that would burden current residents.

We understand that the City of Lake Oswego will submit its own analysis under separate cover that will state that the total estimate for all projects in Lake Oswego's 2015-16 six year CIP is \$463,453,000. Only \$107,280,000 is funded or projected to be funded, and of that, \$45,452,000 is for the LO-Tigard water project. The total for unfunded projects is \$356,173,000, or 77 percent of the total CIP. The CIP contains no projects except perhaps some incidental park improvements that contemplate serving residents of the Stafford Basin.

The Cities and Lake Oswego do not have the financial capacity to construct needed sewer or water improvements to serve their existing urban areas.<sup>19</sup> For these

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<sup>19</sup> In testimony from Herb Koss read into the record at the October 8, 2015, hearing, he suggested that the necessary public facilities could be financed using revenue bonds backed by system development charges ("SDCs"). While this would be theoretically possible, the problem with SDC revenue is that it is not stable or guaranteed but is based upon how development occurs over a given period of time, which in turn is dependent on the real estate market and actions of developers. For example, if a city had issued SDC revenue bonds in 2007, it would almost certainly have defaulted on those bonds in 2008. Nor is there is a revenue track record where a municipality is financing public services to large undeveloped areas. This is

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reasons, Stafford cannot "be developed at urban densities in a way that makes efficient use of existing and future public infrastructure investments" (Reserve Factor 1) or cannot be served by . . . urban-level public facilities and services efficiently and cost effectively by appropriate and financially capable service providers" with regard to water or sewer service.

**B. Factors 2, 4, and 6.**

OAR 660-027-0050 requires Metro to base its decision on whether a proposed urban reserve area includes sufficient development capacity to support a healthy economy (Factor 2), can be designed to be walkable and served with a well-connected system of streets, bikeways, recreation trails, and public transit by appropriate service providers (Factor 4), and includes sufficient land suitable for a range of needed housing types (Factor 6).

The Cities have submitted evidence and testimony into the existing record that demonstrate that environmental constraints and existing parcelization patterns will make it very difficult to achieve the kind of walkable, connected land for a variety of housing types envisioned by the Factors quoted above.<sup>20</sup> As the Cities have previously noted, 33 percent of Stafford and Rosemont consists of parcels of five acres or less and 22 percent consists of parcels from five to ten acres. Only 41 percent of land is in parcels greater than ten acres, and many of these larger parcels are in public, private, or quasi-public ownership. These figures do not include Borland or Norwood, but the map attached as Ex. 15 ("Hamlet Map") shows a similar parcelization pattern.<sup>21</sup> The Hamlet Map indicates that two of the largest parcels in Borland are occupied by the Athey Creek Middle School and the Rolling Hills Community Church, two uses that are unlikely to redevelop during the 50-year Planning Period. The CH2M Hill analysis concludes that of the 640 gross developable acres in Borland, there are only 180 net developable acres.<sup>22</sup> The Stafford Hamlet Values Statement indicates that of the 3930 acres in the

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as opposed to revenue bonds backed by sewer or water rates, which are stable, have a track record, and over which a city has control. Given the uncertainty around SDC revenue, SDC bonds in any significant amount would very difficult to underwrite or sell.

<sup>20</sup> R-21(RR)-920 to 922, parcelization maps at 1012-13.

<sup>21</sup> This map was prepared by the Stafford Hamlet ("Hamlet Map") and shows parcelization, environmental constraints, and the larger public/private ownerships unlikely to redevelop.

<sup>22</sup> R-21(RR)-920 to 922.

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Stafford and Rosemont areas, only 1,327 are unrestricted.<sup>23</sup> Norwood is heavily parcelized and environmentally constrained in the same manner. See Hamlet Map.

The Map attached as Ex. 16 shows the natural features in Stafford and Rosemont and shows slopes and habit areas based upon the Metro habit maps and current Metro and West Linn Code requirements. It concludes that 52 percent of the lands in these areas are environmentally constrained. The Hamlet map does not break down the numbers, but shows similar constraints in Borland and Norwood.

In light of these constraints, it is going to be very difficult and expensive—if not impossible—to develop Stafford in the way envisioned by the Factors 2, 4, and 6. Further, the development yield is going to be so low that the high cost of providing the necessary public services looks even less worth the investment.

The evidence that Metro cited in its original decision does not support a conclusion that Stafford can reasonably be developed as envisioned by Factors 2, 4 and 6. Clack-3312 to -3316 is the Stafford Hamlet Values Statement that expresses the desire of Stafford residents for low-density development that preserves the existing Stafford character, not the kind of development called for in Factors 2, 4, and 6. The document at Clack-371 to 388 is a PowerPoint presentation by Cogan Owens Cogan regarding the factors that make great communities. Contrary to Metro's finding, it does not address development in Borland at all. The document at 3357 to 3361 is April 16, 2009, testimony submitted by Borland property owners indicating that they are interested in exploring urbanization. This is opinion not facts. Clack-3123 to -3148 is an analysis by the owner of a 55-acre parcel directly adjacent to the current Lake Oswego city limits detailing how it could be urbanized. Metro did not explain how the developability of a single 55-acre parcel constitutes any evidence, let alone substantial evidence, that the entire 4,700-acre Stafford can be so developed.

The Staff Report repeats Metro's prior conclusory finding that because similarly constrained lands adjacent to Stafford within the cities of Lake Oswego and West Linn have developed, that proves Stafford is developable as well. As the City pointed out during the first round of these proceedings,<sup>24</sup> although sloping land in Lake Oswego and West Linn adjacent to Stafford has been developed for residential use, the maps show that similarly sloped areas within the cities are predominantly zoned for

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<sup>23</sup> Clack-3316.

<sup>24</sup> R-21(RR)-925.



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low-density R-10 and R-15 residential development at the end of windy roads with lots of cul-de-sacs.<sup>25</sup> This is high-end, large-lot, car-dependent development, not the pedestrian- and transit-friendly mixed-use, mixed-housing type of development called for by Factors 2, 4, and 6. The adjacent development in Lake Oswego and West Linn actually supports the Cities' argument that Stafford won't produce the type of development envisioned by these Factors.

In addition, as the topographical maps in the record indicate, the existing development within Lake Oswego and West Linn essentially ends at the ridge where sewer can flow by gravity into the Cities' wastewater systems. One of the Cities' long-standing concerns regarding provision of sewer service to Stafford is need for multiple pump stations in order to get sewer up the hills and down into the Cities' systems. Pump stations are very expensive to build and even more expensive to operate and maintain. There is a reason why development stops where it does in the two cities.

**C. Factors 5, 7, and 8.**

OAR 660-027-0050 requires Metro to base its decision on whether a proposed urban reserve area can be designed to preserve and enhance natural and ecological systems (Factor 5), can be developed in such a way to preserve important landscape features (Factor 7), and can be designed to avoid or minimize adverse impacts on farm and forest practices and important natural landscape features (Factor 8).

The Cities argued below and here that the large amount of environmentally constrained land would make it difficult to comply with Factors 5 and 7 while at the same time producing the dense, pedestrian- and transit-friendly mixed-use, mixed-housing type of development envisioned in Factors 2, 4, and 6.<sup>26</sup>

Metro's prior Finding of compliance with Factors 5 and 7 recognizes this dichotomy but fails to address it:

"The significance of the Tualatin River and Wilson Creek systems has been recognized. The Principles specifically identify the need to plan for these features, and recognize that housing and employment capacity

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<sup>25</sup> The zoning designations are shown on the Parcel Map at R-21(RR)-1012. The Hamlet Map also graphically illustrates this truth.

<sup>26</sup> R-21(RR)-926 to 927.

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expectations will need to be reduced to protect important natural features. Urbanization will occur in a city, which is obligated by state and regional rules to protect upland habitat, floodplains, steep slopes and riparian areas.”

The significant natural and ecological features in Stafford can be preserved and enhanced, but, as the maps indicate, doing so will significantly reduce the amount of developable land in Stafford, and make connectivity, walkability, and dense development of the remaining lands much more difficult and expensive. The Cities submit that the yield is not worth the expense.

#### **D. Balancing the Factors**

The evidence and testimony submitted by the Cities indicates that the Stafford Area:

- Will not and cannot be efficiently or cost-effectively served by transportation infrastructure.
- Cannot be efficiently or economically provided with other significant urban services, including sewer and water.
- Is so constrained by environmental and geographical features and existing parcelization that much of the Stafford Area will be undevelopable and the remainder will be too constrained to provide the kind of high-density development envisioned by the factors.

The Stafford Area is unsuitable for urbanization under virtually all of the factors. It should be left undesignated.

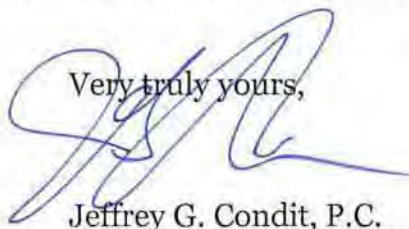
### **VI. CONCLUSION**

Substantial evidence in the record demonstrates that Stafford is not suitable for designation as urban reserve after consideration and balancing of the Factors. That could change over the 50-year planning period, but such change is purely speculative given the evidence in the record today. For these reasons, the Cities believe that Stafford should remain undesignated.

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Before Stafford is suitable to be first priority for inclusion in the Metro UGB, there must be some demonstration or contingency that Stafford can be provided with cost-effective public services that can support urbanization at a level sustainable in Stafford. Otherwise, the designation will simply result in more years of litigation and political turmoil between the regional and sub-regional governments and will not achieve the region's needs.

Very truly yours,



Jeffrey G. Condit, P.C.

## **STAFF REPORT**

### **IN CONSIDERATION OF THE REMAND BY THE OREGON COURT OF APPEALS AND LCDC REGARDING THE DESIGNATION OF URBAN RESERVES IN CLACKAMAS COUNTY**

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Date: September 30, 2015

Prepared by: Roger Alfred, Senior Assistant Attorney

#### **PROPOSED ACTION**

Hold a public hearing regarding the remand by the Oregon Court of Appeals and the Land Conservation and Development Commission (LCDC) of Clackamas County urban reserve areas 4A, 4B, 4C, and 4D (collectively referred to as “Stafford”). A map of the four reserve areas is attached as Exhibit A to this report.

#### **PROCEDURAL SUMMARY**

In 2010, Metro and Clackamas County entered into an intergovernmental agreement (IGA) regarding the designation of specific urban and rural reserve areas in Clackamas County. That IGA designated the Stafford area as urban reserve. Metro and Clackamas County adopted ordinances in 2011 to implement the reserve designations, including joint findings in support of Stafford as an urban reserve area. Metro submitted the final decision and findings to LCDC for review in May of 2011, and LCDC issued an order approving the submittal in August of 2012. On judicial review of the order, the Court of Appeals reversed and remanded to LCDC for reconsideration of the decision to approve the Stafford designation. On March 16, 2015, LCDC issued Remand Order 14-ACK-001867, formally remanding the decision back to Metro and Clackamas County for further proceedings and action consistent with the Court of Appeals opinion.

#### **BACKGROUND**

##### **A. Senate Bill 1011 and the Discretionary Urban Reserve “Factors”**

In 2007 the Oregon Legislature enacted Senate Bill 1011, authorizing Metro and the three counties to designate urban and rural reserves. Senate Bill 1011 was proposed by agreement among a broad coalition of stakeholders in response to widespread frustration regarding the existing process for Metro-area UGB expansions. In particular, the statutory requirements for UGB decisions often fostered inefficient and inflexible decision-making, because the hierarchy of lands listed in ORS 197.298 requires Metro to first expand the UGB onto the lowest quality agricultural lands regardless of whether those lands could be cost-effectively developed. In other words, ORS 197.298 requires Metro to include land in the UGB not because it would be good for urban use but only because it is bad for farming.

Senate Bill 1011 addressed these problems by allowing Metro and the counties significant discretion to identify urban and rural reserves outside of the existing UGB as the areas where future UGB expansion will or will not occur over the next 50 years. Areas mapped as urban reserves become the first priority for future UGB expansions under ORS 197.298, while rural reserves are farms, forests, and other natural resource areas that obtain long-term protection from development.

The primary goal of Senate Bill 1011 was to provide more flexibility to allow UGB expansions into areas that would be the most appropriate for urbanization. To accomplish that goal, the legislature authorized Metro and the counties to designate urban and rural reserve areas based on discretionary “consideration” of several nonexclusive “factors” designed to help determine whether particular areas are appropriate for development or for long-term protection. The legislature purposely did *not* create a list of mandatory approval criteria requiring findings that each standard must be satisfied. Rather, the reserve statute and rules allow Metro and the counties to consider and weigh each factor in order to reach an overall conclusion regarding whether a reserve designation is appropriate. All factors must be considered, but no single factor is dispositive.

The factors that must be considered regarding the designation of urban reserves are described in the state rule as follows:

“When identifying and selecting lands for designation as urban reserves under this division, Metro shall base its decision on consideration of whether land proposed for designation as urban reserves, alone or in conjunction with land inside the UGB:

- (1) Can be developed at urban densities in a way that makes efficient use of existing and future public infrastructure investments;
- (2) Includes sufficient development capacity to support a healthy urban economy;
- (3) Can be served by public schools and other urban-level public facilities and services efficiently and cost-effectively by appropriate and financially capable service providers;
- (4) Can be designed to be walkable and served by a well-connected system of streets by appropriate service providers;
- (5) Can be designed to preserve and enhance natural ecological systems; and
- (6) Includes sufficient land suitable for a range of housing types.”

In its final opinion, the Court of Appeals agreed with Metro and LCDC that these are not independent approval criteria that must all be satisfied to designate an area as urban reserve; rather, the court held that they are factors to be evaluated, weighed and balanced as a whole in reaching a conclusion regarding whether an area could be appropriate for future urbanization in the next 50 years.

## **B. Designation of Reserve Areas by Metro and the Counties**

Senate Bill 1011 became effective in 2007 and LCDC adopted implementing rules in January of 2008. Metro and the three counties immediately began a two-year public process that included an extensive outreach effort bringing together citizens, stakeholders, local governments and agencies throughout the region. That process involved the application of the urban and rural reserve factors to land within approximately five miles of the UGB, and resulted in three IGAs being signed by Metro and each county in 2010 mapping the areas that were determined to be most appropriate as urban and rural reserves under the statutory factors. Clackamas County and Metro agreed that, under the factors, Stafford is an appropriate area for future urbanization.

Metro and the three counties then adopted ordinances including joint findings supporting the designation of a total of 28,256 acres of urban reserves in the entire Metro region. Almost half of that amount, 13,874

acres, is located in Clackamas County, and the Stafford area comprises approximately 6,230 acres, or almost half of the county's total urban reserves. Thus, when reserves were adopted in 2011, the Stafford area provided 22% of the entire 50-year supply of urban reserves for the Metro region. Since the enactment of House Bill 4078, which reduced the amount of urban reserves in Washington County by about 3,100 acres, the 6,230 acres in Stafford now comprises approximately 25% of the total urban reserve area for the entire region.

A copy of the findings adopted by Metro and Clackamas County describing the reasons why Stafford should be designated urban reserve are attached as Exhibit D, and are discussed in more detail below.

### **C. The Oregon Court of Appeals Decision and HB 4078**

LCDC reviewed the reserve designations adopted by Metro and the counties and issued an acknowledgement order approving all reserves in August of 2012. Twenty-two parties filed appeals of LCDC's order with the Oregon Court of Appeals, including the City of West Linn and the City of Tualatin (the "cities"). The cities argued that Stafford should not have been designated as urban reserve because it cannot be efficiently and cost-effectively served by transportation facilities and other public services. In support of that argument the cities pointed to projected future traffic conditions in the Stafford area as estimated by Metro's 2035 Regional Transportation Plan (RTP).

The court issued its opinion in February of 2014, affirming LCDC's decision on the majority of the 26 assignments of error raised by the opponents, and remanding on three issues. Regarding Stafford, the court rejected the cities' argument that the urban reserve factors were mandatory criteria that had to be independently satisfied for each study area. Rather, the court held that the legislature's intent was not to create approval standards, but rather "factors" to be considered, weighed and balanced in reaching a final decision.

However, the court agreed with the cities' argument that Metro and LCDC failed to adequately respond to evidence cited by the cities in the 2035 RTP that traffic in the Stafford area was projected to exceed the capacity of certain roads by 2035. The court found that the cities had presented "weighty countervailing evidence" that transportation facilities in the Stafford area could not support urbanization, and that LCDC and Metro failed to provide any "meaningful explanation" regarding why, in light of the cities' conflicting evidence, the urban reserve designation was still appropriate for Stafford.

In addition to their argument regarding transportation facilities, the cities also argued that they had submitted evidence to Metro and LCDC showing that sewer and water services could not be cost-effectively extended to Stafford, and that Metro and LCDC also failed to adequately respond to that evidence. The Court of Appeals did not directly address this argument, because the court's ruling regarding the transportation issues will require consideration of all the evidentiary support for designating Stafford as urban reserve as part of the remand proceedings, including water and sewer.

Thus, in order to respond to the remand from the Court of Appeals, Metro is required to consider evidence regarding application of the urban reserve factors to Stafford, including the conflicting evidence submitted by the cities and any other relevant new evidence. If the Council concludes that Stafford is appropriate for future urbanization in the next 50 years under the factors, Metro must adopt new findings in support of a decision to maintain the urban reserve designation for Stafford. Those findings must also be adopted by Clackamas County in order to be acknowledged by LCDC.

The court also remanded LCDC's order regarding rural reserve area 9D in Multnomah County. Because that designation involves a rural reserve area, public proceedings regarding that aspect of the remand will

be initiated by Multnomah County. At the conclusion of those proceedings, Metro and Multnomah County must also adopt joint findings in support of a final decision on reserves in that county. Shortly after the Court of Appeals issued its opinion, the Oregon legislature enacted HB 4078, which legislatively adopted revisions to the reserves map and UGB in Washington County. The bill added approximately 1,178 acres of urban reserves to the UGB and converted approximately 2,016 acres of urban reserve areas to rural or undesignated. Therefore, there are now approximately 3,194 fewer acres of urban reserves in the region than there were in 2011 when the reserve decisions were made. This reduction in the total amount of region-wide urban reserves will need to be addressed as part of the findings in support of decisions on remand regarding urban and rural reserves in Clackamas and Multnomah counties.

## **REASONS FOR STAFFORD URBAN RESERVE DESIGNATION**

The designation of Stafford as an urban reserve area was the culmination of a lengthy and collaborative regional process that began as soon as LCDRC adopted its reserve rules in January of 2008. Metro and the three counties formed committees, began a public involvement process, and established a Reserves Steering Committee to advise the Core 4 regarding reserves designations. The steering committee included 52 members and alternates representing interests across the region – business, agriculture, conservation groups, cities, service districts, and state agencies. Technical analysis regarding the application of the urban reserve factors to particular study areas was provided by specialized expert groups, including providers of water, sewer, transportation, education, and other urban services.

The four study areas that comprise what is collectively referred to as “Stafford” are shown on the map attached to this staff report as Exhibit A. More specifically, the four areas are known as Stafford (Area 4A), Rosemont (Area 4B), Borland (Area 4C) and Norwood (Area 4D). As shown on the map, Areas 4A, 4B, and 4C together comprise the “triangle” area that is bounded on two sides by the cities of West Linn, Lake Oswego, and Tualatin. Those three study areas consist of approximately 4,700 acres and were considered together as Area U-4 by Clackamas County in their urban reserve analysis. Area 4D contains approximately 1,530 acres and is located to the south and east of the “triangle,” adjacent to the City of Tualatin on the north and the Washington County border on the west. There are three other acknowledged Washington County urban reserve areas (Areas 4E, 4F, and 4G) that are located between Area 4D and the City of Tualatin.

In considering the designation of Stafford as an urban reserve area, it is important to keep in mind the context and purpose of the urban and rural reserves designations. Because urban reserves are intended to provide a land supply over a 50-year time horizon, the designation of urban reserve areas must be based on their physical characteristics, including development capacity and future serviceability, rather than the current desires of nearby jurisdictions or current infrastructure conditions. Although there are some impediments to development in parts of these four study areas due to slopes and natural features – as there are in most areas of our region – much of the land is suitable for urban-level development, and development concept plans have been presented for many parts of the Stafford area.

Physically, the Stafford area is very similar to the cities of West Linn and Lake Oswego, which are successfully developing at urban densities. The Stafford area is immediately adjacent to existing urban development in three cities, facilitating logical extensions of infrastructure. While development levels would not be uniform across all four urban reserve areas, the opportunity exists to create a mix of uses, housing types and densities where the natural features play a role as amenities, while complementing existing development in the adjacent neighborhoods.

It is also important to consider the designation of these areas in light of the overall regional context. The reserve statute and rules require Metro to designate an amount of urban reserves sufficient to provide a

50-year supply of land for urban growth across the entire Metro region. All four Stafford study areas are identified by the Oregon Department of Agriculture as “conflicted” agricultural land that is not suitable to sustain long-term agricultural operations. Designation of the Stafford area as urban reserves avoids designation of other areas containing more important or “foundation” agricultural land. Because the four Stafford reserve areas are identified as conflicted agricultural land, a rural reserve designation is not appropriate.

Finally, any urban reserve area is subject to Metro’s concept planning requirements prior to being included in the UGB under Title 11 of the Urban Growth Management Functional Plan. The agreement between Clackamas County and Metro to designate Stafford as an urban reserve includes specific requirements for the preparation of concept plans for future development of urban reserve areas, including participation by the three cities and citizen involvement entities such as the Stafford Hamlet. These Principles for Concept Planning of Urban Reserves are part of the IGA between the county and Metro, and require that any future concept plans must provide for governance by specific cities. The principles also recognize the need for concept plans to account for the environmental, topographic and habitat areas located within the urban reserve.

## **RESPONSE TO EVIDENCE SUBMITTED BY THE CITIES**

In its review of the Stafford urban reserve designations, the Court of Appeals concluded that Metro and LCDC failed to adequately respond to evidence submitted by the cities regarding future traffic conditions in the Stafford area as projected in Metro’s 2035 RTP. The cities also argued that Metro and LCDC failed to respond to evidence the cities submitted regarding the feasibility of providing water and sewer services to Stafford. Although the court did not rule on the cities’ arguments regarding water and sewer, those issues should also be considered as part of this remand proceeding. Therefore, this section of the staff report provides preliminary responses to the evidence that has been submitted by the cities to date regarding the future provision of (1) transportation facilities, and (2) water and sewer services.

### **1. Transportation Facilities**

During the proceedings in 2011 the cities contended that Stafford should not be designated as an urban reserve because traffic projections in Metro’s 2035 RTP (adopted in 2010) indicate that four principal roads in the Stafford area will be “failing” under Metro’s mobility policies in the RTP. The four facilities at issue are Stafford Road, Borland Road, Highway 43, and portions of Interstate 205. The cities cited the 2035 RTP as evidence that Stafford did not comply with the two urban reserve factors related to the provision of urban services, which require Metro to consider whether an area:

“(1) Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;

“(3) Can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers.”

Applying these two urban reserve factors, the cities argued that because the RTP forecasted the roads at issue to be above capacity in 2035, future urban development in Stafford could not be efficiently or cost-effectively served by transportation infrastructure because there is no current funding to fix the problems. Therefore the cities argued: (a) Stafford could not “comply” with the factors, and (b) the Metro and LCDC decisions were not supported by substantial evidence in the record.



The court of appeals rejected the cities' first contention, holding that the urban reserve factors are not approval criteria and therefore "compliance" with each of the factors is not required; rather, Metro's designation must only demonstrate "consideration" of each factor. However, the court went on to agree with the cities that the evidence they cited regarding transportation system forecasts in the 2035 RTP had not been adequately addressed by Metro or LCDC. Therefore, the court concluded that LCDC failed to correctly review Metro's decision for evidentiary support.

**a. The 2035 RTP is not relevant evidence regarding the urban reserve factors.**

The fundamental problem with the cities' argument is that the 2035 RTP traffic forecasts and related mobility policy maps are not actually relevant to the question posed by the urban reserve factors, which is whether Stafford can be efficiently and cost-effectively served with transportation facilities within a 50-year horizon. The RTP traffic forecasts are constantly evolving projections that provide a snapshot in time of the current estimates of future traffic congestion in the next 25 years. Those estimates are based on funding for system improvement projects that are *currently* listed in the RTP, and are subject to significant change over the next 25 to 50 years. New improvement projects for roads and highways are added to the RTP project list on a regular basis (sometimes even between each four-year RTP update cycle), and funding for those projects is adjusted and prioritized based on need given existing and planned levels of development. When new proposed improvement projects are added to the RTP project list, the effects of those future improvements are then applied to the 25-year traffic congestion forecast for the region as shown on the mobility policy maps in the RTP. When new road improvement projects are added, there is a corresponding decrease in projected congestion for areas that are served by those roads.

The cities argued that the 2035 RTP demonstrates that there is no money to fix the problems associated with traffic forecasts on the roads they identified. But this argument ignores how the planning process actually works for transportation projects, and the fact that new improvement projects are added to the RTP list on a regular basis. It is true that in 2010, when the snapshot was taken in the 2035 RTP of funding for the project lists and corresponding traffic forecasts, there was no identified funding for transportation projects designed to serve an urbanized Stafford. But when an area such as Stafford that is outside of the UGB is identified as a potential location for new urban development, the planning process that is required for urbanization will include identification of new and necessary transportation system improvements to serve future urban development in that area, and those improvements will then be included on the RTP project list. Adding those improvements to the RTP project list will then reduce the amount of congestion forecasted on the RTP mobility policy maps for that area.

Thus, there is a basic "chicken/egg" problem with the cities' reliance on the traffic forecasts in the 2035 RTP as evidence that Stafford cannot be served by roads and highways in the area due to a lack of funding. When the 2035 RTP was adopted in 2010, the Stafford area was simply another rural residential area outside of the UGB, and had not been specifically designated as an area for future urban development. Therefore, the 2035 RTP did not prioritize funding for improvement projects in the Stafford area that would be necessary for new urban development arising out of a UGB expansion. In the absence of an existing plan for urbanization of Stafford in 2010, there is no reason why the region would prioritize funding in the 2035 RTP for improving roads to accommodate new urban development in that area.

In 2010 Metro adopted amendments to Title 11 of the Urban Growth Management Functional Plan specifically designed to ensure that areas proposed for urbanization through a UGB expansion can and will be served with public facilities such as roads. Title 11 now requires that local governments must adopt concept plans for an urban reserve area prior to any such area being added to the UGB by Metro. Concept plans must include detailed descriptions and proposed locations of all public facilities, including transportation facilities, with estimates of cost and proposed methods of financing. Concept plans must be jointly prepared by the county, the city likely to annex the area, and appropriate service districts.

The Title 11 concept planning requirements will apply to Stafford if and when that area is proposed for inclusion in the UGB by a city, and will require detailed planning regarding how transportation services will be provided to the area, including a description of methods for financing those services. That urban planning process will require adding specific transportation improvement projects to the RTP project lists for purposes of ensuring there can be adequate capacity to serve the Stafford area. At that point, once urban development in Stafford takes some planning steps towards potential reality, the region could decide to add and prioritize improvement projects on the RTP project lists that would be necessary to facilitate new urban development in that area. But in 2010, because Stafford was not in the UGB and not even an urban reserve area, there was no reason to include or prioritize projects in the 2035 RTP to facilitate its development.

The RTP is a constantly evolving document that merely provides a periodic snapshot forecast of regional traffic congestion based on current funding priorities for improvement projects on the RTP project list. The RTP project list is amended and revised on a regular basis. If Stafford is proposed to be added to the UGB, concept planning under Title 11 must occur and necessary transportation system improvement projects would be added to the RTP project lists at that time. The Metro Council can find that the 2035 RTP does not constitute compelling evidence that the Stafford area cannot be efficiently served by transportation facilities over a 50-year horizon.

**b. The cities' arguments are refuted by the 2014 RTP.**

The recently adopted 2014 RTP includes updated mobility policy maps that reveal the fallacy of the cities' arguments. The 2014 RTP shows that the 2035 RTP mobility policy maps relied upon by the cities are already outdated and do not constitute substantial evidence to support a conclusion that it is not possible for Stafford to be served by roads on a 50-year planning horizon. On July 17, 2014, the Metro Council adopted amendments to the 2035 RTP via Metro Ordinance No. 14-1340, and also changed the name of the RTP to "2014 RTP."

The mobility policy maps in the 2014 RTP show significant improvement in forecasted traffic congestion on principal roads in the Stafford area for the new RTP planning horizon that ends in 2040, as compared to the mobility policy maps relied upon by the cities from the 2035 RTP. Copies of the three most relevant 2014 maps are attached as Exhibit B (these are close-up versions of the maps focused on the Stafford area and do not show the entire region).

The maps relied upon by the cities from the 2035 RTP are attached as Exhibit C. Sections of roads that are shown in red are locations that in 2010 were projected to exceed acceptable volume-to-capacity ratios in 2035, based on three different funding scenarios for improvements identified on the RTP project lists. The first scenario is the "no build" map (Figure 5.5), attached as Exhibit C-1, which essentially shows the worst case scenario in that it assumes all of the usual projected increases in population, jobs and new housing units for the region, but assumes that *none* of the improvements projects listed in the 2035 RTP will actually be built by 2035. Therefore, this is the map with the most red lines. The second scenario is the "2035 Federal Policies" map (Figure 5.7), attached as Exhibit C-2, which assumes that all improvement projects identified on the RTP "financially constrained" list are built (*i.e.*, projects using funds from existing identifiable revenue sources). This map shows decreases in projected congestion compared to the "no build" map. The third scenario is the "2035 Investment Strategy" map (Figure 5.9), attached as Exhibit C-3, which assumes availability of additional funding for improvement projects that are listed on the RTP project list and are not "financially constrained" by existing revenue sources, but could be constructed assuming that other potential funding sources become available.

Comparing the 2014 RTP mobility policy maps to the 2035 RTP maps reveals significant improvements in projected traffic congestion levels in the Stafford area. The 2035 Investment Strategy map shows all of Interstate 205, all of Highway 23, and most of Borland Road and Stafford Road in red, meaning that they are projected to exceed Metro's mobility policy standard of 0.99 v/c in 2035. Exhibit C-3. However, the corresponding 2040 Investment Strategy map from the 2014 RTP shows no portion of Interstate 205 or Borland Road in red, and much smaller portions of Highway 43 and Stafford Road in red. Exhibit B-3. Therefore, to borrow the imprecise language employed by the cities, these facilities are no longer projected to be "failing" as the cities previously claimed. The dramatic change regarding the forecast for Interstate 205 in this area is due in part to new project assumptions for the I-205 and I-5 system that had not been included in the 2035 RTP. One of the specific investment strategies included in the 2014 RTP is to "address congestion bottleneck along I-205." (2014 RTP Appendix 3.1, page 302).

The significant improvements in projected traffic congestion in the Stafford area in just four years between Metro's adoption of the 2035 RTP and the 2014 RTP may be relied upon by the Metro Council as evidence that refutes the cities' arguments and supports a conclusion that Stafford may be efficiently and cost-effectively served by transportation facilities under the relevant urban reserve factors. This evidence provides the "meaningful response" to the evidence cited by the cities from the 2035 RTP that the court of appeals found was lacking. At the same time, this evidence illuminates the fundamental problem with the cities' arguments that were based on the 2035 RTP mobility policy maps. As explained above, the RTP mobility policy maps reflect a constantly changing set of projects and related funding assumptions that do not constitute substantial evidence for purposes of determining whether Stafford may be efficiently and cost effectively served by transportation facilities on a 50-year planning horizon.

## **2. Water and Sewer Services**

At the Court of Appeals, the cities also challenged the evidentiary support for Metro's findings regarding the provision of water and sewer service to Stafford under urban reserve factors 1 and 3. The court did not specifically consider these arguments, but instead remanded the entire Stafford reserve designation for further evidentiary review based on its ruling regarding transportation issues.

The evidentiary record supporting Metro's consideration of each urban reserve factor is extensive. Regarding provision of water and sewer to Stafford under urban reserve factors 1 and 3, Metro adopted detailed findings citing specific evidence supporting an urban reserve designation under the factors. Exhibit D. Those findings note that technical assessments provided to the Core 4 Reserves Steering Committee by working groups consisting of experts and actual service providers rated the Stafford area as being "highly suitable" for both water and sewer service.

A summary of the analysis regarding water service suitability is attached as Exhibit E, which is a memorandum from the Core 4 Technical Team to the Core 4 Reserves Steering Committee dated February 9, 2009. The water service analysis was coordinated by the Regional Water Providers Consortium, and involved review of specific reserve study areas by a large group of water service providers, who applied specific criteria to each area including: (a) proximity to a current service provider; (b) topography; (c) use of existing resources; and (d) source of water. Each area was analyzed by the group of experts, ranked as high, medium, or low suitability for providing water services, and mapped. The results of the group's analysis were presented at a meeting of the technical committee of the Regional Water Providers Consortium and the proposed map was provided to all members of the committee for review and comment. As shown on the map attached to the Core 4 memo, the Stafford area was ranked as being "highly suitable" for water service.

A summary of the analysis regarding sewer service suitability is attached as Exhibit F, which is also a memorandum from the Core 4 Technical Team dated February 9, 2009. The sewer service analysis was

the result of work done by a “sanitary sewers expert group” of engineers and key staff from potentially impacted service providers, who applied their professional expertise and knowledge of nearby areas and facilities. The expert group applied a set of criteria to each reserve study area, including (a) topography; (b) proximity to a current waste water treatment plant; (c) existing capacity of that plant; and (d) the ability to expand the treatment plant. Each area was analyzed by the group of experts, ranked as high, medium, or low suitability for providing sewer services, and mapped. The results of the group’s analysis were digitized and sent to all participating service providers for comment. As shown on the map attached to the Core 4 memo, the Stafford area was ranked by the expert group as being “highly suitable” for sewer service.

Further analysis regarding water and sewer services in urban reserve areas was undertaken by Clackamas County and provided in a technical memorandum dated July 8, 2009, attached as Exhibit G. That memorandum provides a detailed analysis of each reserve study area under the urban reserve factors and makes recommendations for each study area. Regarding Stafford, the county analysis recommends designating Stafford as urban reserve, based in part on the fact that it ranks “high” for both water and sewer serviceability. As concluded by the county, the area can be relatively easily served because of proximity to existing conveyance systems and pump stations.

The City of Tualatin submitted evidence challenging the Clackamas County analysis regarding water and sewer based on a report prepared by engineering firm CH2M Hill, which was forwarded to the Core 4 Reserves Steering Committee on October 13, 2009. A copy of the city’s letter is attached as Exhibit H. In that letter, the city expresses disagreement with many of the county’s conclusions regarding the suitability rankings, and provided its own cost estimates regarding future provision of water and sewer services.

Metro staff has reviewed the analysis in the City of Tualatin’s letter and the CH2M Hill materials and prepared a responsive memorandum dated September 17, 2015, which is attached as Exhibit I. As described in that memo, the fundamental flaw in the city’s argument is that the city’s analysis and cost estimates do not consider the same geographic area that was studied by Clackamas County and Metro, and therefore the comparisons provided by the city are not accurate. The map attached to Exhibit I illustrates the significant differences between the two study areas. The county’s analysis was for its urban reserve study area U-4, which consisted primarily of the area that became areas 4A and 4B – land between the existing UGB and Interstate 205 – plus the portion of area 4C located north of I-205. However, the city’s analysis considers only the area proximate to the City of Tualatin, bounded by the Tualatin River to the north and Stafford Road to the east, thereby excluding all of areas 4A and 4B, which comprised the vast majority of the land analyzed by the county in its analysis. The flaws resulting from this approach regarding application of the urban reserve factors are described in the staff memorandum attached as Exhibit I.

## **CONCLUSION**

Staff’s analysis of the existing evidence in the record continues to support the decision by Metro and Clackamas County to designate the Stafford area as urban reserve under the applicable factors. The Metro Council will take additional evidence and testimony at the public hearing on October 8, 2015; at the close of the hearing the Council should continue the hearing to November 19, 2015 in order to allow sufficient time to accept and consider additional evidence submitted by interested parties and staff. If the Council is inclined to support the existing urban reserve designation for Stafford, the Council may direct staff to prepare proposed findings of fact and conclusions of law in support of that designation.



CITY MANAGER'S OFFICE

November 19, 2015

President Hughes and Metro Council  
600 NE Grand Avenue  
Portland, OR 97232

Re: Testimony-City of Lake Oswego  
Stafford Area Urban Reserves Remand Hearing  
LCDRC Remand Order 14-ACK-001867  
Metro Ordinance No. 11-1255

Dear President Hughes and Metro Council:

As stated in the September 24, 2015, joint letter to the Metro Council from the Mayors of Lake Oswego, West Linn and Tualatin, and the Chair of the Clackamas County Board of Commissioners, and in our testimony dated October 8, 2015, the City of Lake Oswego urges that the remand hearing on Stafford Area urban reserves be continued and the record held open until the cities, the county and Metro have had the previously agreed-upon, facilitated discussion about the future of that area.

If the hearing nevertheless concludes on November 19, Lake Oswego wishes to support the position of the Cities of West Linn and Tualatin in their testimony submitted November 19, 2015, and re-state its opposition to the proposed designation of urban reserves in Stafford. Evidence in the record fails to support a conclusion that the area can be developed at urban densities in a way that makes efficient use of existing and future public infrastructure investments, or that the area can be efficiently and cost-effectively served by urban-level transportation, water and sewer facilities and services.

Lake Oswego's 2015-16 Capital Improvement Program contains \$463.5 million in projects, only \$107.3 million of which have projected funding, and of those \$45.5 million is for the LO-Tigard water project. The total of unfunded projects is \$356.2 million, or 77% of the CIP. The City has no projects planned that contemplate serving residents of the Stafford Basin with the exception of some incidental park improvements (e.g., Luscher Farm). Based on adopted public facility plans, the City is not currently a financially capable provider of urban-level services in Stafford.

Sincerely,

Scott Lazenby  
City Manager

November 19, 2015

Tom Hughes, President  
Metro Council  
600 NE Grand Avenue  
Portland, OR 97232

RE: Remand of Stafford Area Urban Reserve

Oregon's land use laws are working. They are preserving farmland and keeping it affordable. We are able to have family farming in proximity to a significant metro area. Raw farmland prices in French Prairie begin at around \$15,000 per acre. Buildable land sells for approximately \$100,000 per acre. Industrial land within our CPO, well, I'm not aware of any.

However, low priced farmland gives rise to land speculation. If well-funded land speculators are allowed to selectively have their properties excluded from the law, the land use laws will fail.

The land south of the Willamette River, French Prairie and Canby Prairie, are designated as foundation farmland by the Oregon Department of Agriculture. The land having been farmed since the 1850s has shown itself to be the definition of sustainable farmland. In fact, the lands south of the Willamette River meet all the requirements to be a Rural Reserve.

Foundation farmland is considered of such importance that it does not have to meet any other criteria to create a Rural Reserve. Additionally, there is a "buffer" required between foundation farmland and potential of urbanization. In the case of French Prairie, that buffer is the Willamette River.

If you look at a map of the Rural Reserve south of the Willamette River, the lands that the Clackamas County Commissioners have proposed to remove would cut the reserve in two pieces intruding directly into foundation farmland and eliminating the required buffer.

When Tootie Smith proposed to the Clackamas County Commission to remove Langdon Farms from the Rural Reserve she made several claims:

Aurora Airport receives sewer services from the City of Aurora and could service Langdon Farm. Aurora does not supply water to the Aurora Airport. In fact in a recent Canby Herald article, the Mayor of Aurora said they did not have the capacity to offer municipal services to the Aurora Airport.

The City of Wilsonville was expanding its services to Charbonneau and could offer services to Langdon Farm.

Wilsonville has no plans to expand services to Charbonneau. In fact current services are supplied via pipes under the Boone Bridge. The bridge is the responsibility of the Oregon Department of Transportation and they have forbidden any expansion of service capacity.

Butteville Road and Miley Road are feeders to the area.

Butteville road is a small capacity road that is frequented by bicycles and Miley Road is a 1 mile long dead end.

There is a railroad line in proximity and they would provide a spur to the area.

While there is a railroad about a mile away, it would require a railroad crossing through the freeway because it is west of I-5.

Yesterday in an Oregonian Article, Commissioner Ludlow was quoted as saying "what is so special about this river". It isn't the river, it is the importance of the farmland south of the river. The Clackamas County Commissioners have demonstrated a significant lack of knowledge about the land south of the Willamette River and a desire to ignore the Rural Reserve requirements.

We ask that you address the "Remand" of the Stafford area and reaffirm the remaining Rural and Urban Reserves.

Please call if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Kenneth W. Ivey', with a large, sweeping flourish extending from the end of the signature.

Kenneth W. Ivey  
Chair, Aurora Butteville Barlow Community Planning Organization

## **Public statement: Steve Barker November 19, 2015**

Introduction:

- my name is Steve Barker and I represent Barker Five LLC
- We have 62 acres in Multnomah County that has been in the family over 110 years

In looking at today's agenda we see that the focus is on the Clackamas County Remand.

It was our understanding from last month's Metro agenda on this topic that the Remand tied to Barker's 5, LLC was to be discussed today. I flew up from Houston for this purpose.

That appears not to be the case.

So with that, we would like to express our disappointment...not with you the Metro Council, rather our disappointment is with Multnomah County.

So where do we stand in the process today? Per Tim O'Brien's email we received yesterday:

*"It is my understanding that Multnomah County, being the agency authorized to designate rural reserves, is working on the remand for the rural reserve designation in 9D and once their work is completed will hold a public hearing. Metro will also have to hold a public hearing, but it will be after the county's process."*

We would like to point out that regarding the Oregon Court of Appeals judgement, the remand is not with 9D, rather it regards our property specifically. It is only 62 acres that abuts the UGB.

We want to continue to point out that we have Standing in this Remand.

The Remand dates back to February 2014. It is now November 2015. We are very frustrated by the amount of time it has taken to resolve this issue.

It is in the record that the city of Beaverton asked for the courtesy of having the option to urbanize the Barker's property if it needs it in the next 50 years. Beaverton would prefer that out property not be taken out of the city's urban toolkit.

We would still like to enter into record our comments and maps. (If that is OK?)

- These maps provide details on the general setting of our property
- Addresses issues in that area on buildable lots, aquifer, sewer, and transportation issues

Again, our disappointment is not with you, the Metro Council. Mr. Chase you have been kind to the Barker's with your time. Your staff has also made efforts to accommodate us. And for that we are thankful.

When this Remand finally comes back to the Metro Council, we again, will stand before you.

Thank you

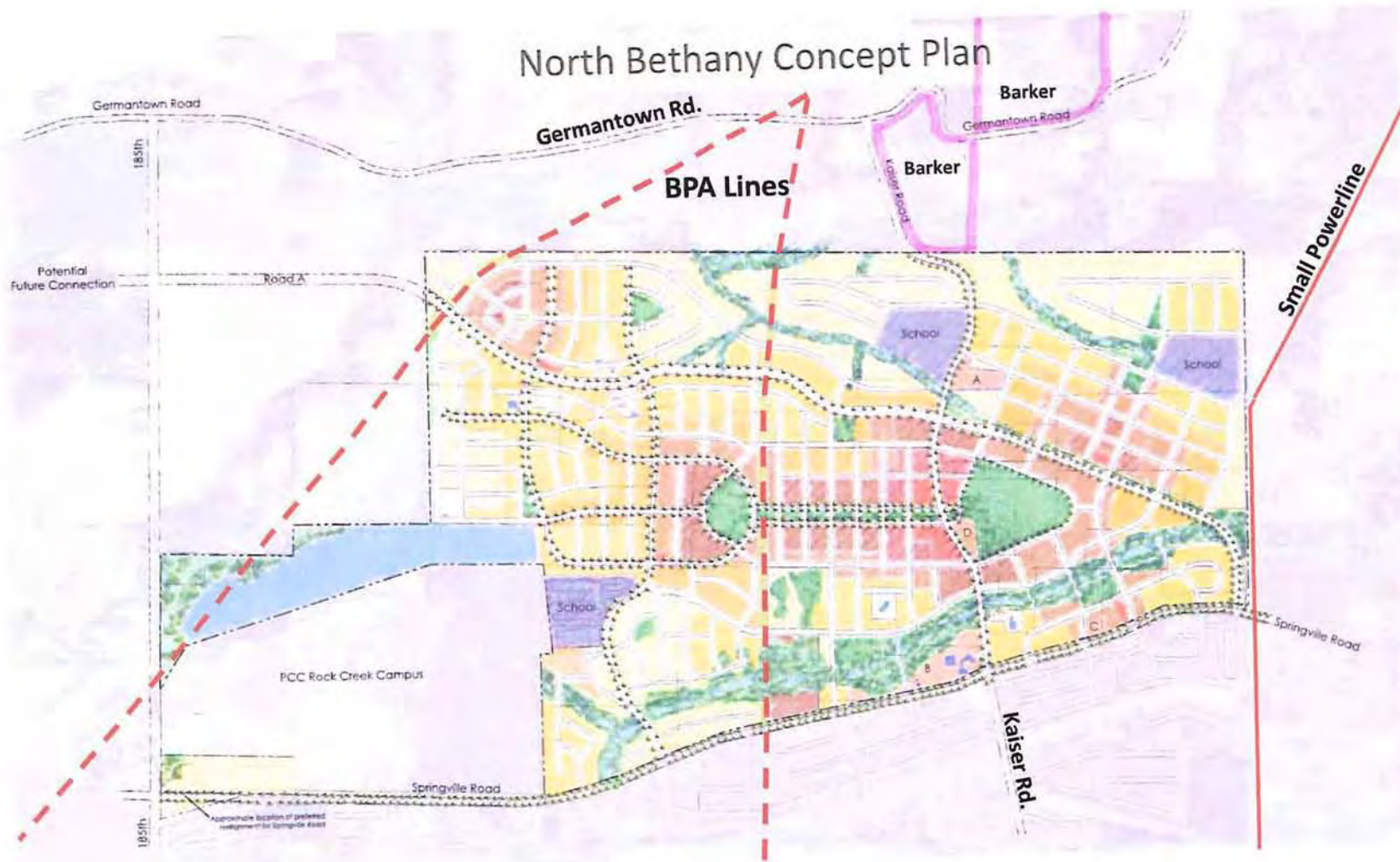


November 19<sup>th</sup>, 2015

Barker Property-why we shouldn't be considered rural reserve

- 62 acre parcel
- Abuts the UGB North Bethany Expansion
- No irrigation rights
- Poor soils
- We are not Foundation Farm Land
- We are surrounded by growth from the north, east and south
- Busy Germantown road bisecting the property with Kaiser flanking the west side of the lower
- Traffic is a hindering problem for farm equipment and will become a much greater issue with the estimated 15,000 in North Bethany
- How can this property be considered viable farm land under these restrictions?

We strongly feel Multnomah Co wants us as a buffer for Forest Park and the ardent Forest Park Neighborhood Association. Their factors do not represent our property



**Bethany**  
a community of distinction  
25 March 2009

### Illustrative Concept Plan

Residential	
High Density Residential (R-20*)	Low Density Residential L3 (R-12)
High Density Residential (R-30)	Low Density Residential L2 (R-7-R)
Medium Density Residential (R-18)	Low Density Residential L1 (R-3-6)

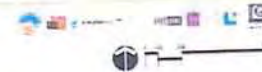
### Land Use Designations

Community Services	
A Mixed Use Center	Parks
B Cemetery	Open Space
C Church	Power Line Corridor

Public Services	
Public Schools	Fire Station
Civic Site	

### Notes

- This map is preliminary. All designations are subject to change.



Support for Greater Bethany Urban Reserves – 12/7/09

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# Vacant - Buildable Lot Analysis

## SMMMARY:

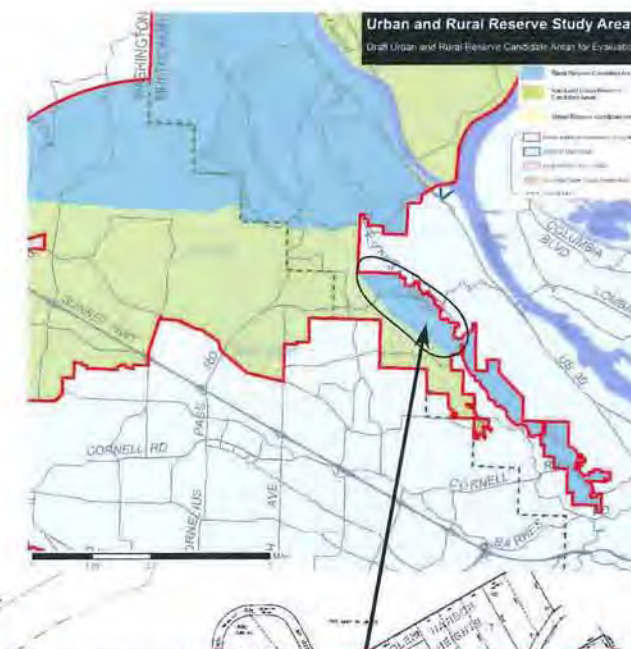
55 Vacant Tax Lots

16 Additional legal lots of record that could be subdivided from above Vacant Tax Lots

12 Lots of record that could be subdivided from Tax lots with a house

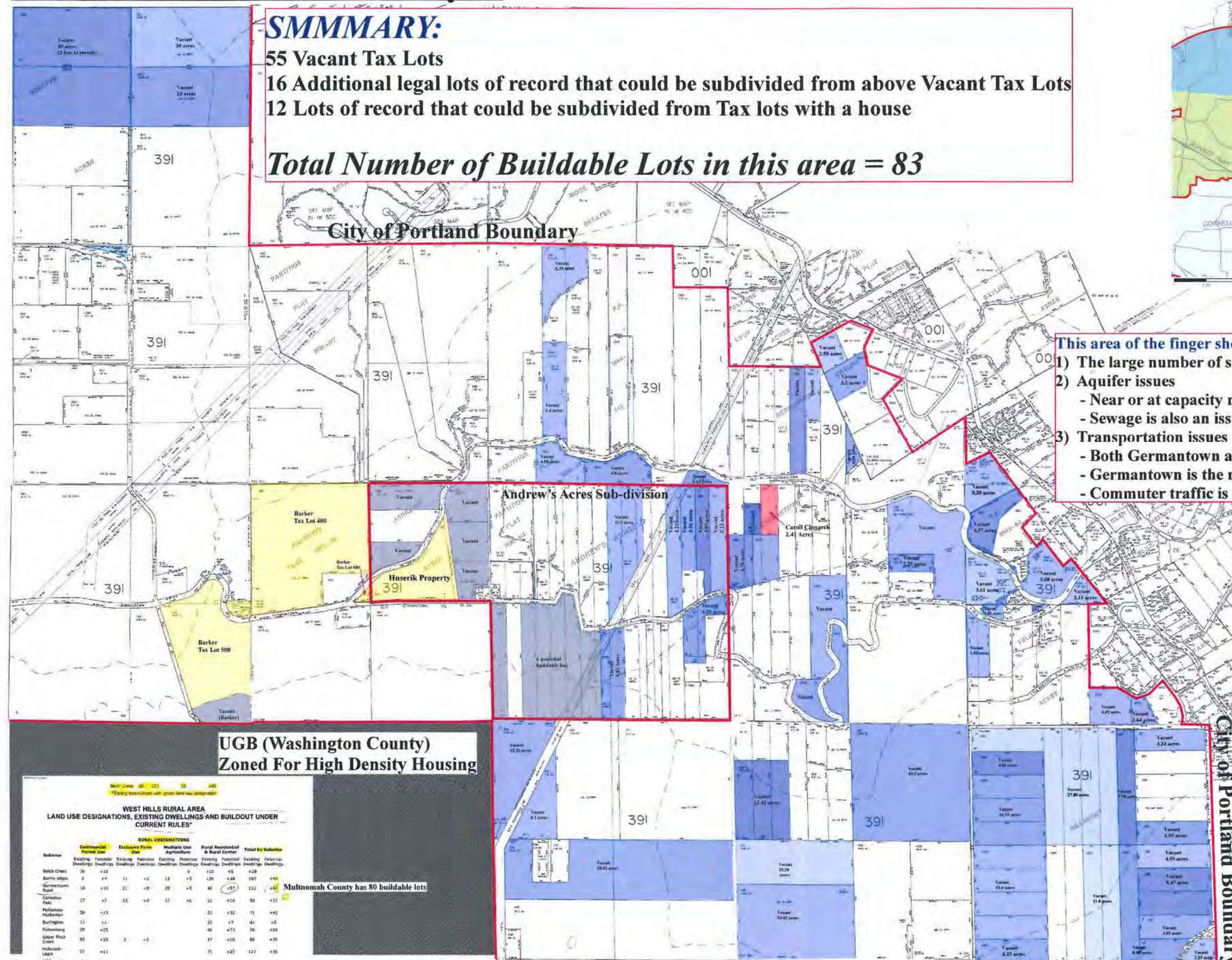
**Total Number of Buildable Lots in this area = 83**

City of Portland Boundary



This area of the finger should be designated Urban Reserve because:

- 1) The large number of small acreage buildable lots
- 2) Aquifer issues
  - Near or at capacity now, can't handle all the potential building sites
  - Sewage is also an issue
- 3) Transportation issues
  - Both Germantown and Springville are at their capacity now
  - Germantown is the main commuter route to North Portland
  - Commuter traffic is only going to get worse with the Bethany Development



UGB (Washington County)  
Zoned For High Density Housing

West Hills Rural Area  
LAND USE DESIGNATIONS, EXISTING DWELLINGS AND BUILDOUT UNDER CURRENT RULES\*

\*Existing dwellings with green tint are designated

## WEST HILLS RURAL AREA LAND USE DESIGNATIONS, EXISTING DWELLINGS-AND BUILDOUT UNDER CURRENT RULES\*

Subarea	RURAL DESIGNATIONS								Total by Subarea	
	Commercial Farm Use		Exclusive Farm Use		Multiple Use Agriculture		Rural Residential & Rural Center			
	Existing Dwellings	Potential Dwellings	Existing Dwellings	Potential Dwellings	Existing Dwellings	Potential Dwellings	Existing Dwellings	Potential Dwellings		
Beth Creek	30	112			9	125	45	128	128	
Berry Slope	3	44	11	13	13	131	24	155	155	
Germantown Road	18	110	21	18	25	258	45	303	303	
Cornelius Park	27	17	33	15	17	122	116	238	238	
Hollander Hillbottom	28	113				22	132	154	154	
Burroughs	11	11				22	17	39	39	
Folsom	28	125				48	171	219	219	
Upper Rock Creek	88	120	2	1		17	130	149	149	
Hollbrook Leigh	53	111				70	127	197	197	
Wildwood Hickory	33	157				5	146	151	151	
Chimney Road	38	114				28	14	52	52	

Multnomah County has 80 buildable lots

LEGEND: Vacant - Buildable Lot Analysis

- Vacant Tax Lot  
- May contain multiple legal lots of record
- Tax Lot With House  
- May contain multiple legal lots of record that are buildable

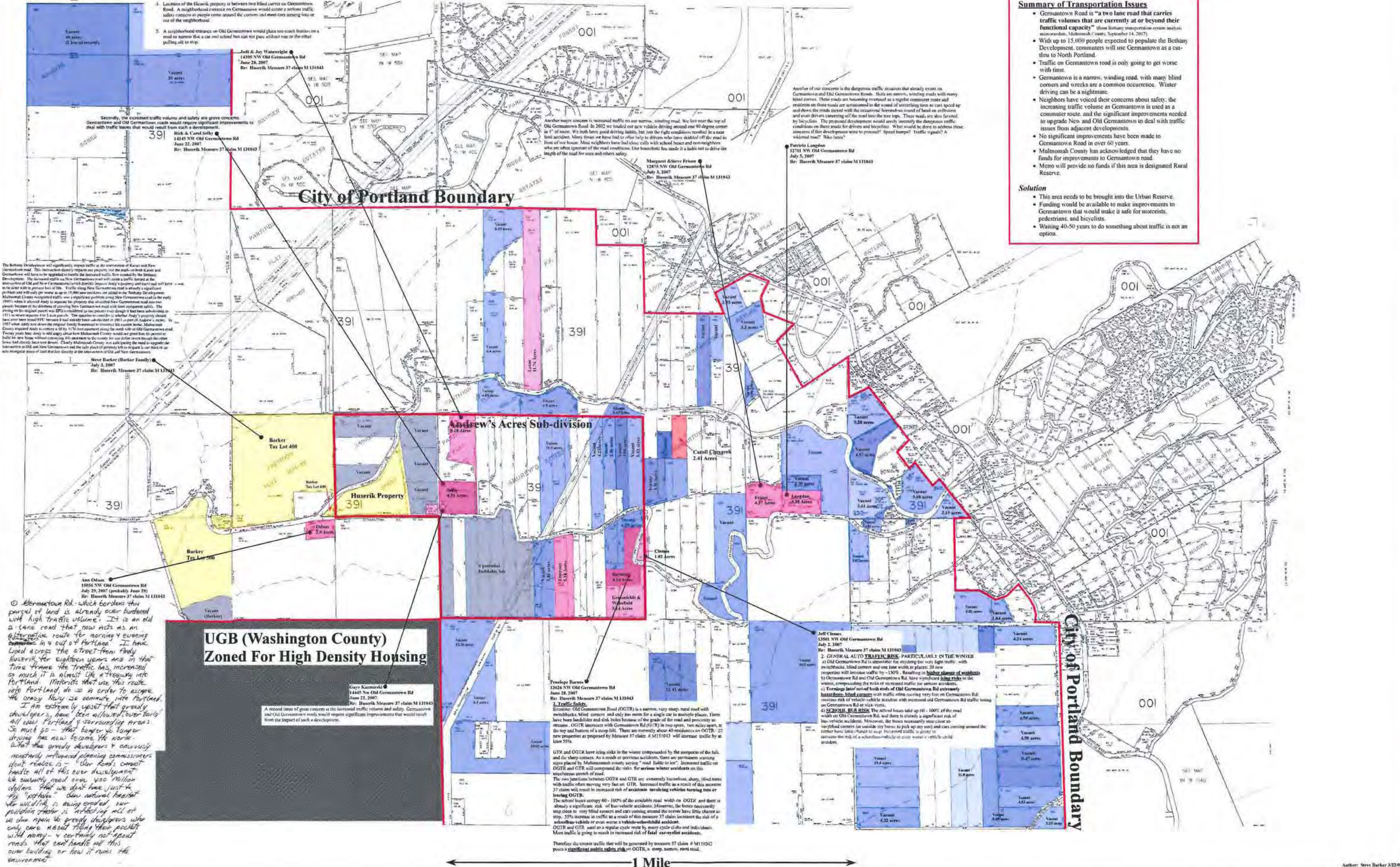
1 Mile







Transportation Issues







*Clackamas County's  
Next Great Neighborhood*



# Statement of Intent

Many people are worried about the Stafford Triangle. Residents worry about changes to their beautiful and tranquil surroundings. Farmers worry about how to plan for their livelihoods and don't know if their farms will become future neighborhoods or if they should invest in their land. Others worry about whether the streams and forested areas will be there for future generations. Meanwhile, traffic is increasing and bringing congestion.

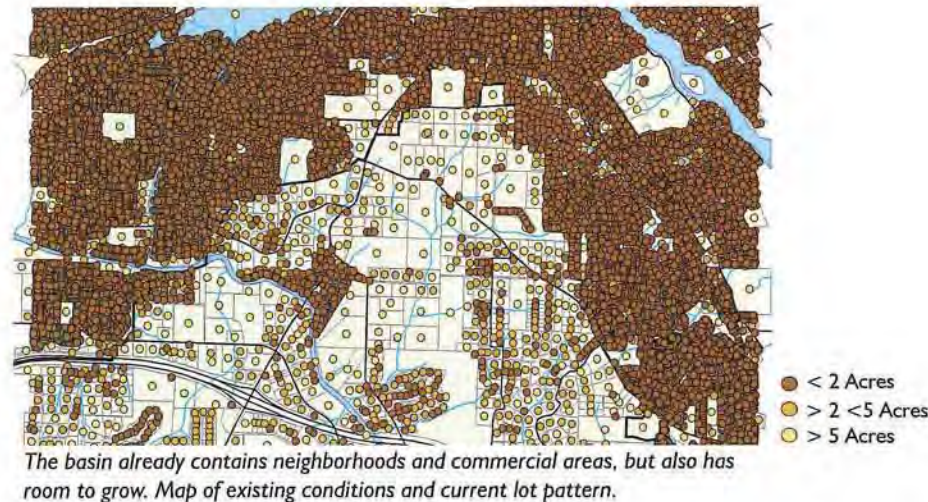
It is time for a regional discussion about the future of the Stafford Triangle. The Stafford Land Owners Association shares a vision for the area that:

- Is centered on environmental stewardship with a fabulous Greenbelt and protection of streams and steep sloped areas
- Preserves rural character for existing residential areas
- Creates a gradual transition from homes inside the UGB
- Focuses jobs and housing density near I-205

Our vision will help set a course for local and regional dialogue about long-term desires and near-term needs. The Stafford Triangle strikes a unique balance between the city and the country, and our plan fosters the best of both worlds. We know we should not be in Rural Reserve. However, when we are designated Urban Reserve, our status on the map is only the first step to developing a plan that builds upon the area's values and provides opportunities for its landowners.

## Background

Our basin, roughly 4,000 acres in size, is home to just over 2,200 people, more than many of Oregon's towns. We are blessed with beautiful rolling terrain, healthy wildlife corridors, and a little room to breathe. The mix of farm lands and rural homesites, connected by quiet winding roads, defines our special place.



As the region has grown, our location and easy access to I-205 have drawn attention. There was an attempt to bring land into the UGB in the Mid 1990s, but, state law at the time determined that soil quality for farming trumped other factors such as proximity to roads, sewer, water, etc. The Region's Urban Reserve decision was rejected partially because of the inclusion of the Stafford area and other farm-zoned lands, despite their readiness for urbanization.

In 2010, under new rules that allowed the region to consider these important factors, Metro designated the area an Urban Reserve. Urban Reserves area crucial part of the land supply, and they are the first places considered when it's time to expand the UGB. Metro's decision was rejected as well, but through action of the state legislature, several similar areas with farm zoning in Washington County were added to the reserves or the UGB itself.

At present, South Hillsboro and other Washington County sites that were part of the decision are currently poised for development as a result of decisions made under the newer rules. Clackamas County and its cities are still working on solutions for the growing places within the County.

## Proposed Solution

### Natural Areas - streams, slopes, habitat

Roughly half of the area's 4,000 acres support the natural ecosystem and the scenic beauty of the area.

This 'greenrastructure' forms much of the framework of the Stafford Vision. The Tualatin River and the many tributaries are highlighted as places for preservation. Shaded streams in natural settings support water quality, fish, and other animals. The woodland habitat areas are home to birds, small mammals, and deer, providing needed refuge near city life. Natural areas can, in the right setting, also provide recreation opportunities, from paddling on the Tualatin River to walking along a river to river trail or nature paths for viewing wildlife.

### Rural Character

The rural character we treasure comes from the mix of homes, farms, and livestock in our scenic environment. People in existing rural neighborhoods will retain their small acreages, enjoying their rural setting and privacy. Some larger lots may have room for another house, but in general no significant changes will occur.

### Urban Edge Transition

Stafford is bounded near the top of the ridge by urban neighborhoods, overlooking the basin and beyond. Nobody wants to see new large groups of houses, side by side like marching soldiers moving down from those ridgetops. Existing rural neighborhoods near the boundary should stay as they are, loved by their owners, and providing a visual transition from the urban neighborhoods above. Areas next to the boundary with larger vacant properties would be great places for executive homes. These low-density neighborhoods, spaced farther apart than typical city-style homes, will provide a transition for the rural neighborhoods and valuable open spaces. There will also be glorious views of the countryside, a rare commodity in our increasingly developed region.

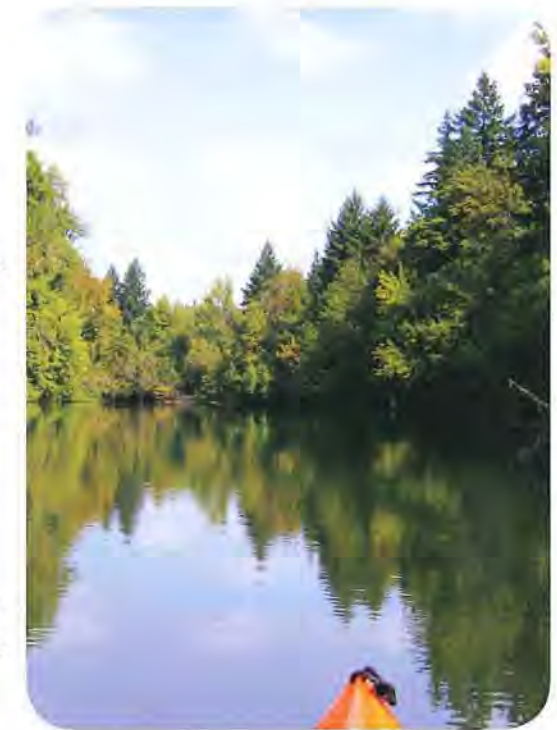
### Walkable Neighborhoods

South of Luscher Farm along Stafford and Johnson Roads lays an area with generally larger lots that is generally separated from existing rural development. This area can be home to a quality neighborhood with a variety of housing types, from mid-sized single-family homes to townhomes. These types of neighborhoods will be attractive to a wide range of people from young professionals and families to empty-nesters. This area will:

- Feature attractive streets, connected sidewalks and accessible parks for all
- Focus jobs and housing density near I-205

Lands closer to I-205 can provide room for needed jobs and higher density housing such as apartments or condos. The Stafford / Borland intersection could be home to a mix of shops, offices, and apartments. These developments will also help enhance the tax base that helps to fund roads, parks, and other needed improvements.

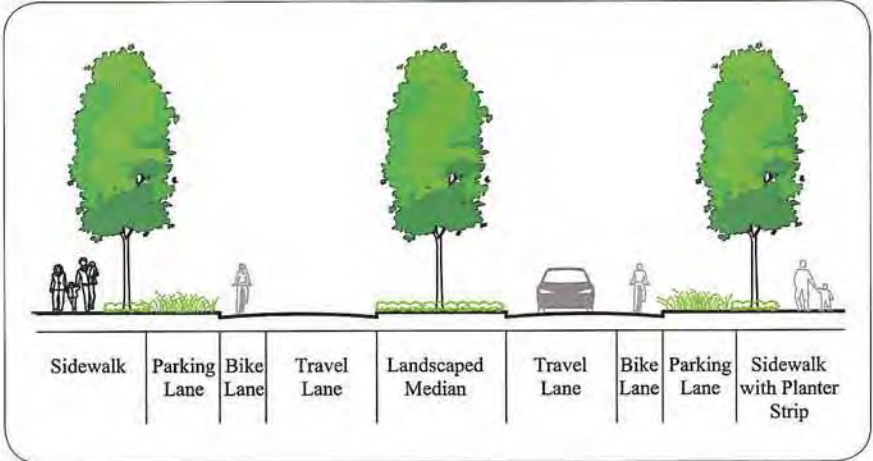
These are some of the flattest and most easily developed properties, and have great access to the freeway and Borland Road. These areas can be reached easily by car and could have enough activity to attract buses to transit stations at Oregon City and Tualatin. Separated from existing homes, concentrating development in this area will not threaten the livability of the basin's more rural neighborhoods.







Walkable neighborhoods contain a mix of housing types, open space, and well connected streets.



Improved roads enhance communities.

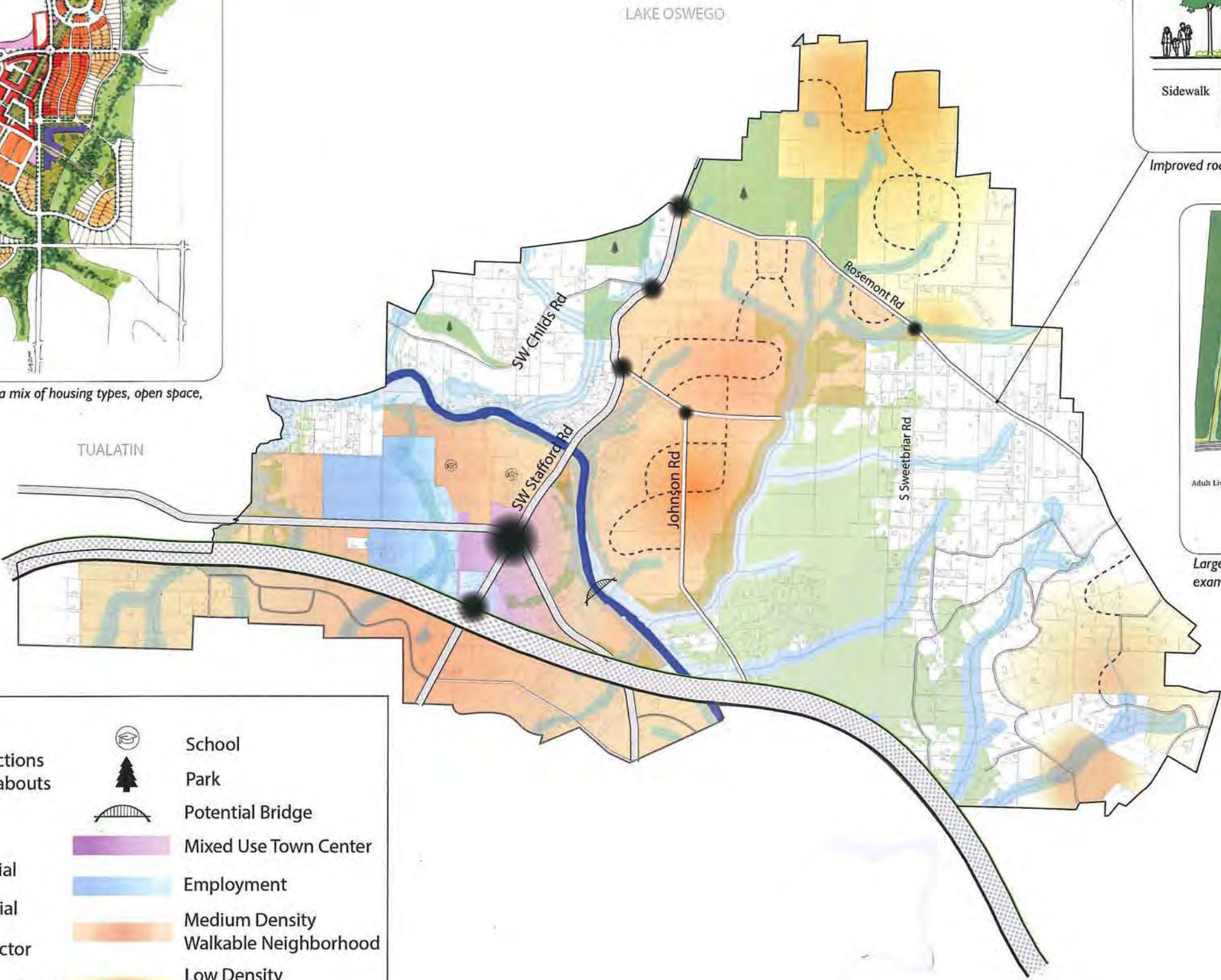


Larger properties provide more development possibilities.  
example: senior living community

KEY:

- Key Intersections and Roundabouts
- I-205
- Major Arterial
- Minor Arterial
- Minor Collector
- Potential Roadways

- School
- Park
- Potential Bridge
- Mixed Use Town Center
- Employment
- Medium Density Walkable Neighborhood
- Low Density Neighborhoods



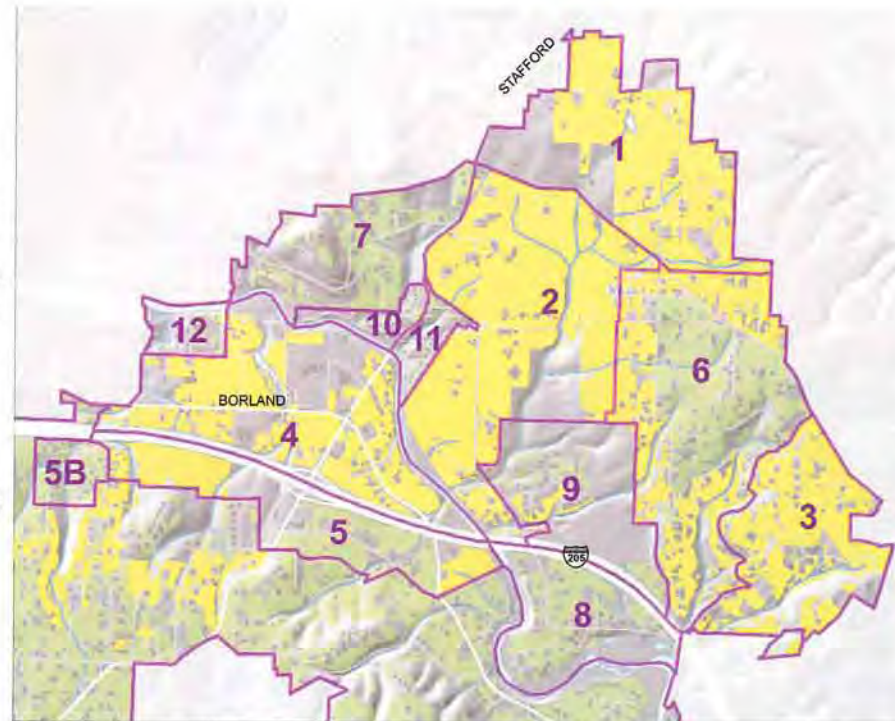


# Making the Case

## Where will growth occur?

The Basin covers roughly 4,300 acres of land, of which just over 2,000 are considered buildable after accounting for existing homes, natural areas and steep slopes. Roughly half of this land is near rural homes and small farms whose owners are not looking to develop. The other half is on larger properties that are located close to major roadways. These larger properties can provide the places for all of the jobs and the majority of the housing that could come to Stafford. Owners of these lands are "Ready" to play their role in the County and Metro's efforts to provide needed housing and room for jobs.

*For planning purposes the basin has been divided into smaller boundaries. The map to the right shows areas in which the ready lands are located.*



Green is vacant non-constrained land, yellow land owners are ready for growth.

## The Hamlet

A number of Clackamas County's rural communities have banded together to form Hamlets. The Stafford Hamlet was formed as a way to give residents a voice in how the area will change and grow while retaining the unique character that define this great place.

That character includes:

- Preservation of open spaces, pastoral views, native and heritage trees, and wildlife
- Safe-guarding clean air and groundwater
- Visual connection with historical buildings, agriculture and livestock
- A safe, secure, serene environment
- Protecting the quality of the Tualatin River and its tributaries
- Having any future development being done thoughtfully, fairly, and in a balanced manner that helps build a strong community



Fanno farm house

The proposal for discussion builds from these goals and values. It describes a place that grows and changes, retaining the best of what we have today and capturing opportunities that will lead to an enhanced future.

LIVE

WORK

PLAY

## Rural Areas

Small acreage homesites will remain. In places there could be the ability to divide some larger lots for new homes while retaining the existing character.



## Lower Density Neighborhoods

The Metro Region has a limited supply of land for executive style housing. The higher elevations around Rosemont and Bergis Roads can provide room for these 3 to 5 unit per acre single-family neighborhoods, many of which with great sunset views. This also creates a more gradual transition from the neighborhoods of West Linn and Lake Oswego to the new Stafford Community.



## Medium Density Walkable Neighborhoods

The majority of the housing would come from traditional modern style neighborhoods. These neighborhoods are comprised mostly of single-family homes. They also include townhouses and, some low-rise apartments. The area between Stafford and Rosemont Roads is prime for this type of neighborhood.



## Mixed Use Town Center

A small Town Center provides the glue to bring neighborhoods together into a real community. Buildings would be expected to be two or three stories tall oriented in a main street atmosphere. The center would house shops and restaurants, offices and some housing units, either upstairs of businesses or in their own buildings.



## Office District

Taking advantage of proximity to I-205 and Borland Road there are roughly 70 acres of land that are targeted for jobs that are needed in the area. Office parks or flex space can attract a range of companies in an attractive and convenient setting.

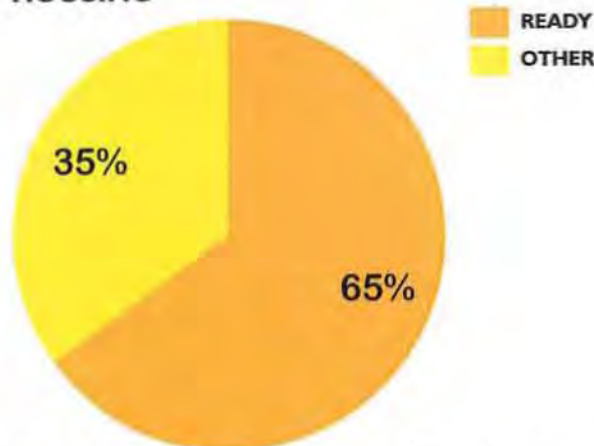




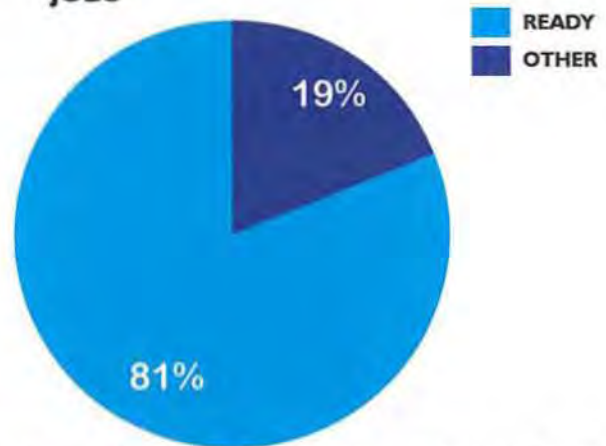
# Benefits of Urbanization

The future contained within this vision can provide room for over 8,100 jobs and the supportive new housing. The majority of the land and capacity exists within the Ready areas.

## HOUSING

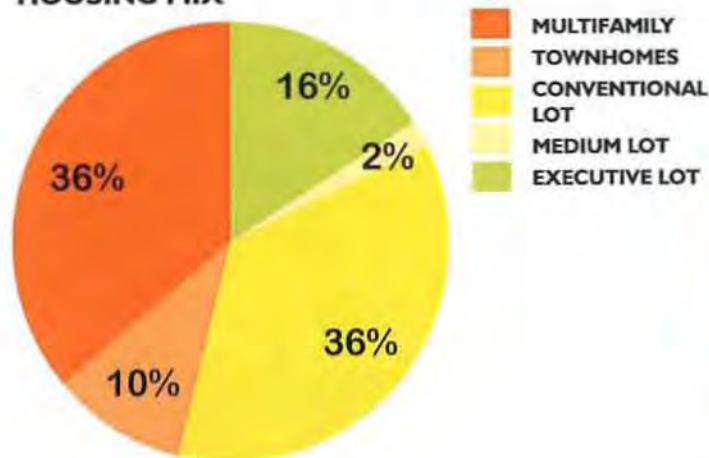


## JOBS

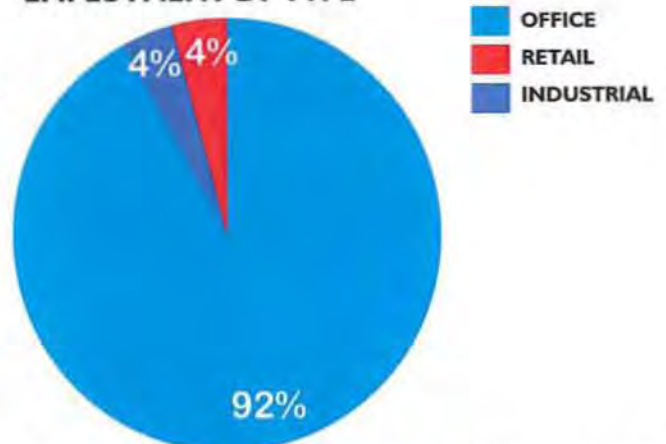


The large parcels of the Agreeable lands also provide the opportunity for efficient use of land and the ability to accommodate the wide range of housing types expected. Land assigned for jobs is focused primarily on office space with shopping allocated to the Town Center.

## HOUSING MIX



## EMPLOYMENT BY TYPE



The value of these private sector investments from opening the Stafford area to future growth could exceed \$3.7 billion dollars. \$2.5 billion of that is located on the ready lands where investment could happen the soonest.

## Next Steps

The primary factor limiting growth in the region's urbanizable areas has been the ability to plan and build roads and other needed infrastructure. Clackamas County recently received a regional grant to cover the costs of studying the transportation system. This process will allow for further testing of the vision, traffic analysis and planning and estimating the costs required to effectively serve the area with roads, trails and transit.



For the record, my name is Eric Hoem, and I am a resident of Wilsonville.

Council President and members of the Metro Council, I am here to speak against any changes to the land use designation of Langdon Farms Golf Course.

My theme is, "Just Say No." And here are the Top Ten reasons:

10. The Oregon Department of Agriculture designates the land in French Prairie, which includes all of Langdon Farms Golf Course and the adjacent holdings of the owners, as top quality "foundational farmland

9. When the owners of Langdon Farms bought the golf course, the land was already zoned "Exclusive Farm Use" and the golf course existed only through a conditional use permit, which states the land will return to EFU if it ceases to be used as a golf course. Nothing has changed since then.

8. Since then, two years of intensive study at the local and regional level—including 100s of hours here at the Metro—determined Langdon Farms to be "Rural Reserve"—and they didn't get it wrong.

7. The Oregon Court of Appeals listened to land owners' argument that the process had not been done correctly. The Court ruled against Langdon Farms and upheld in its entirety the Land Use process that resulted in the area being designated "Rural Reserve."

6. There is neither freeway access nor local roads that could support a "Nike Campus" type of development. The Oregon Department of Transportation has no plans for it in the future. That highway infrastructure alone would cost 100s of millions of dollars. Where would that money come from?

5. The City of Wilsonville has no plans and no desire to bring sewer and water services across the Boone Bridge. ODOT says the bridge can carry no more traffic and no more sewer and water lines. Period.

AND the City of Wilsonville is in the process of bringing industrial land on line in the Coffee Creek area, in addition to industrial land and facilities currently available in Wilsonville.

4. Other cities in Clackamas County, including Wilsonville, would love to be getting the kind of attention that four of their County Commissioners are lavishing on the owners of a golf course.

3. Does the contribution of more than \$60,000 to the campaign chests of four Clackamas County Commissioners have anything to do with their new-found passion for turning a golf course into a commercial/industrial development? Just "follow the money."

2. It is a waste of time and staff resources for the Clackamas County Commission to hold hostage decision-making about the Stafford Triangle so their pet project can be injected into the Remand discussion.

1. It just seems plain wrong to reward political bullying and the greed of myopic land speculators with a "yes." Please just say "NO."

Eric Hoem—8301 SW Lafayette Way, Wilsonville, OR 97070—503-694-6036

**To: Metro Councilors**  
**From: Chris Maletis, Owner**  
**Langdon Farms Golf Course**  
**Date: November 19th, 2015**

**Re: Testimony in support of removal of rural reserve  
designation from Maletis-owned property in Clackamas County.**

President Hughes and Metro Councilors:

My brother Tom and I have lived in Oregon all our lives. We've chosen to make Oregon our home because we love it here and we believe it's the best place in the world to raise a family.

We request that the Metro council seriously look at the current needs of Clackamas County and at the long-established, highly productive farmlands in Damascus/Boring that were brought into the Urban Reserves. Compare this to our property, which is surrounded by urbanization and transportation infrastructure, locked into Rural Reserves for the next 50 years. We believe that it makes a great deal more sense for the Rural Reserve designation be removed from our property and put where it belongs: with the important agricultural lands in Damascus and Boring.

First, a little more about our history. Throughout our lives, we've been heavily involved with the game of golf. For 20 years, Tom has volunteered his time as the president of Tournament Golf Foundation, which conducts the Portland LPGA tournament and raises millions of dollars for charity. I have actively played competitive golf for the last 30 years both locally, regionally, nationally and internationally.

When we decided to buy Langdon Farms in 2002, it was for our love of the game. Upon researching the history of the property, we discovered that in the late 1990s, Langdon Farms had contemplated buying the contiguous land to add an additional 18 holes. Tom and I purchased the course with the intent to make it a 36 hole facility and utilize the future plans and routing. We met with then-Clackamas County Commissioner Michael Jordan to discuss the addition to the course. In that meeting, Commissioner Jordan explained that because of its location, the property had a higher and better use as industrial lands. He recommended that we hold off on building a new golf course and instead pursue discussions with the Port of Portland.

In early 2003 we met with the the Port of Portland, including Executive Director Bill Wyatt. The Port reaffirmed the position of Commissioner Jordan and stated "This is the best industrial piece of property within 150 miles of Portland".

That same year Metro began a study to increase the UGB for industrial lands. During this process the Port of Portland attempted to bring our lands into the UGB study.

Those efforts were met with opposition by Wilsonville Mayor Charlotte Lehan when she opposed all development south of Charbonneau. In December 2003, the Oregon Economic and Community Development Department (OECD) issued a report "Industrial Sites of State Wide Significance for Job Creation". On page 1 of the report the Governors Industrial Lands Task Force noted there was "unavailable land in strategically significant employment areas" and they recommended that "Langdon Farms at I-5 and Charbonneau exit..... is a logical market driven location for large-scale industrial and employment intensity development".

In 2004, Metro did not include the area south of Charbonneau in the industrial UGB expansion.

In January 2005, we brought Tom Imeson on as our economic development consultant. Tom initially stated he did not want to take on a project that was contrary to his Oregon values. However after seeing the land and weighing all the factors, he did not believe this land posed a problem for agriculture and definitely benefitted the state's economic development and job creation needs. In February of that same year, LCDC reexamined their Goal 9 language, specifically for "prime industrial lands". During that process, Mary Kyle McCurdy of 1000 Friends of Oregon testified, "I think prime industrial lands does include lands, not only along freightways but at major interchanges and there has been a lot of testimony, as you know, in the METRO area, not only from people needing to locate warehousing facilities along the I-5 corridor and very few jurisdictions actually want to locate them there but that is where this kind of industrial use needs to be. So, I think it has to take into account every type of major transportation facility."

We strongly believe our property fits Mary Kyle McCurdy's description. About 200,000 cars either circulate around or through our property daily. It is bordered by the Urban Growth Boundary to the north, by I-5, the rest stop, and a solar farm to the west. The property is bordered on the east by Airport Road which primarily services the cities of Canby and Aurora for entry onto I-5 southbound. It is bordered on the south by Arndt Road which is the county line separating Clackamas and Marion County and is contiguous to the Aurora airport. Through the middle of our property is Highway 551, which services Canby and Aurora for exit on and off to I-5 northbound.

There have been significant changes in Clackamas County subsequent to the original SB 1011 mapping for Urban and Rural Reserves:

1. Metro, Business Oregon, Port of Portland, and others conducted a large lot study of the metropolitan area which clearly showed the region had a shortfall. Specifically, Clackamas County had an extreme shortfall well behind Washington and Multnomah County. Unfortunately, this study occurred after the Senate Bill 1011 mapping.
2. In the 2010 mapping, Urban Reserves were added around the city of Damascus/Boring. Much of the land placed into Urban Reserves include highly productive, long-established nurseries. These lands are of major significance to Clackamas County's agricultural base.
3. The Grand Bargain in Washington County removed over 3000 acres from the Urban Reserves. During the Grand Bargain process Clackamas County was assured they would also be given the opportunity to be heard on changing their designations.
4. Clackamas County has conducted their own employment needs study and have concluded they are significantly short for current and future Goal 9 lands to meet their statutory requirements.

Tom and I have taken this path because some of the most respected Democratic leaders in the state of Oregon have expressed a belief that our property has a "higher and better use as industrial lands" than a golf course. Given Clackamas County's extreme shortage of lands set aside for job creation, we believe the assessment from these respected individuals is correct.

Thank you for your time and your consideration.