

 Metro | Agenda

Meeting: Metro Council
Date: Thursday, September 1, 2016
Time: 2 p.m.
Place: Metro Regional Center, Council Chamber

REVISED 08/31/2016

1. CALL TO ORDER AND ROLL CALL

2. CITIZEN COMMUNICATION

3. CONSENT AGENDA

3.1 **Resolution No. 16-4718**, For the Purpose of Authorizing the Chief Operating Officer to Grant a Permanent Easement to Multnomah County

3.2 **Resolution No. 16-4727**, For the Purpose of Confirming the Council President's Reappointment of Ray Leary to the Metropolitan Exposition Recreation Commission

3.3 Consideration of Council Meeting Minutes for August 11, 2016

4. RESOLUTIONS

4.1 **Resolution No. 16-4728**, For the Purpose of Supporting the Designation of the Tualatin River Water Trail as a National Water Trail

**Kathleen Brennan-Hunter,
Metro**

5. ORDINANCES (SECOND READ)

5.1 **Ordinance No. 16-1378**, For the Purpose of Annexing to the Metro District Boundary Approximately 27.25 Acres Located in the River Terrace Area of Tigard and 17.27 Acres Located in the North Bethany Area of Washington County

Tim O'Brien, Metro

5.2 **Ordinance No. 16-1379**, For the Purpose of Annexing to the Metro District Boundary Approximately 29.17 Acres Located at 25505 and 25805 NW Evergreen Road in Hillsboro

Tim O'Brien, Metro

6. CHIEF OPERATING OFFICER COMMUNICATION

7. COUNCILOR COMMUNICATION

8. ADJOURN

AN EXECUTIVE SESSION WILL BE HELD IMMEDIATELY FOLLOWING THE PUBLIC MEETING PURSUANT TO ORS 192.660(2)(e): TO CONDUCT DELIBERATIONS WITH PERSONS DESIGNATED BY THE GOVERNING BODY TO NEGOTIATE REAL PROPERTY TRANSACTIONS.

Television schedule for September 1, 2016 Metro Council meeting

Clackamas, Multnomah and Washington counties, and Vancouver, WA Channel 30 – Community Access Network <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 Call or visit web site for program times.	Portland Channel 30 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 Call or visit web site for program times.
Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 Call or visit web site for program times.	Washington County and West Linn Channel 30– TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 Call or visit web site for program times.
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Повідомлення Metro про заборону дискримінації

Metro з повагою ставиться до громадянських прав. Для отримання інформації про програму Metro із захисту громадянських прав або форми скарги про дискримінацію відвідайте сайт www.oregonmetro.gov/civilrights або Якщо вам потрібен перекладач на зборах, для задоволення вашого запити зателефонуйте за номером 503-797-1890 з 8.00 до 17.00 у робочі дні за п'ять робочих днів до зборів.

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Ogeysiiska takooris la'aanta ee Metro

Metro waxay ixtiraamtaa xuquuqda madaniga. Si aad u heshid macluumaad ku saabsan barnaamijka xuquuqda madaniga ee Metro, ama aad u heshid warqadda ka cabashada takoorista, booqo www.oregonmetro.gov/civilrights. Haddii aad u baahan tahay turjubaan si aad uga qaybqaadatid kullamada dadweyne, wac 503-797-1890 (8 gallinka hore illaa 5 gallinka dambe maalmaha shaqada) shan maalmo shaqa ka hor kullanka si loo tixgaliyo codsashadaada.

Metro의 차별 금지 관련 통지서

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

إشعار بامتياز من Metro

تحتترم Metro الحقوق والبلدني لبلدي في جميع الخدمات والمنتجات التي نقدمها. إن لم تكن متأكد من أنك تتلقى الخدمات والمنتجات التي تستحقها، يمكنك تقديم شكوى. إن لم تكن متأكد من أنك تتلقى الخدمات والمنتجات التي تستحقها، يمكنك تقديم شكوى. إن لم تكن متأكد من أنك تتلقى الخدمات والمنتجات التي تستحقها، يمكنك تقديم شكوى. إن لم تكن متأكد من أنك تتلقى الخدمات والمنتجات التي تستحقها، يمكنك تقديم شكوى.

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Metro respeta los derechos civiles. Para obtener información sobre el programa de derechos civiles de Metro o para obtener un formulario de reclamo por discriminación, ingrese a www.oregonmetro.gov/civilrights. Si necesita asistencia con el idioma, llame al 503-797-1890 (de 8:00 a. m. a 5:00 p. m. los días de semana) 5 días laborales antes de la asamblea.

Уведомление о недопущении дискриминации от Metro

Metro уважает гражданские права. Узнать о программе Metro по соблюдению гражданских прав и получить форму жалобы о дискриминации можно на веб-сайте www.oregonmetro.gov/civilrights. Если вам нужен переводчик на общественном собрании, оставьте свой запрос, позвонив по номеру 503-797-1890 в рабочие дни с 8:00 до 17:00 и за пять рабочих дней до даты собрания.

Avizul Metro privind nediscriminarea

Metro respectă drepturile civile. Pentru informații cu privire la programul Metro pentru drepturi civile sau pentru a obține un formular de reclamație împotriva discriminării, vizitați www.oregonmetro.gov/civilrights. Dacă aveți nevoie de un interpret de limbă la o ședință publică, sunați la 503-797-1890 (între orele 8 și 5, în timpul zilelor lucrătoare) cu cinci zile lucrătoare înainte de ședință, pentru a putea să vă răspunde în mod favorabil la cerere.

Metro txoj kev ntxub ntxaug daim ntawv ceeb toom

Metro tributes cai. Rau cov lus qhia txog Metro txoj cai kev pab, los yog kom sau ib daim ntawv tsis txaus siab, mus saib www.oregonmetro.gov/civilrights. Yog hais tias koj xav tau lus kev pab, hu rau 503-797-1890 (8 teev sawv ntxov txog 5 teev tsaus ntuj weekdays) 5 hnub ua hauj lw m ua nte ntawm lub rooj sib tham.



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إشعار بالامتثال لمترو من

تحتترم Metro الحقوق والبلدني لبلدي في جميع الخدمات والمنتجات التي تقدمها Metro للبلدني في كل شيء. إن لم تكن متأكد من حقوقك، يمكنك الاتصال بـ www.oregonmetro.gov/civilrights أو الاتصال بـ 503-797-1890 (من الساعة 8 صباحاً حتى الساعة 5 مساءً أيام العمل من موعد الاجتماع).

Paunawa ng Metro sa kawalan ng diskriminasyon

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Metro уважает гражданские права. Узнать о программе Metro по соблюдению гражданских прав и получить форму жалобы о дискриминации можно на веб-сайте www.oregonmetro.gov/civilrights. Если вам нужен переводчик на общественном собрании, оставьте свой запрос, позвонив по номеру 503-797-1890 в рабочие дни с 8:00 до 17:00 и за пять рабочих дней до даты собрания.

Avizul Metro privind nediscriminarea

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Metro txoj kev ntxub ntxaug daim ntawv ceeb toom

Metro tributes cai. Rau cov lus qhia txog Metro txoj cai kev pab, los yog kom sau ib daim ntawv tsis txaus siab, mus saib www.oregonmetro.gov/civilrights. Yog hais tias koj xav tau lus kev pab, hu rau 503-797-1890 (8 teev sawv ntxov txog 5 teev tsaus ntuj weekdays) 5 hnub ua hauj lw m ua nte ntawm lub rooj sib tham.



 **Metro** | *Agenda*

Meeting: Metro Council
Date: Thursday, September 1, 2016
Time: 2 p.m.
Place: Metro Regional Center, Council Chamber

1. CALL TO ORDER AND ROLL CALL

2. CITIZEN COMMUNICATION

3. CONSENT AGENDA

3.1 **Resolution No. 16-4718**, For the Purpose of Authorizing the Chief Operating Officer to Grant a Permanent Easement to Multnomah County

3.2 **Resolution No. 16-4727**, For the Purpose of Confirming the Council President's Reappointment of Ray Leary to the Metropolitan Exposition Recreation Commission

3.3 **Resolution No. 16-4728**, For the Purpose of Supporting the Designation of the Tualatin River Water Trail as a National Water Trail

3.4 Consideration of Council Meeting Minutes for August 11, 2016

4. ORDINANCES (SECOND READ)

4.1 **Ordinance No. 16-1378**, For the Purpose of Annexing to the Metro District Boundary Approximately 27.25 Acres Located in the River Terrace Area of Tigard and 17.27 Acres Located in the North Bethany Area of Washington County

Tim O'Brien, Metro

4.2 **Ordinance No. 16-1379**, For the Purpose of Annexing to the Metro District Boundary Approximately 29.17 Acres Located at 25505 and 25805 NW Evergreen Road in Hillsboro

Tim O'Brien, Metro

5. CHIEF OPERATING OFFICER COMMUNICATION

6. COUNCILOR COMMUNICATION

7. ADJOURN

AN EXECUTIVE SESSION WILL BE HELD IMMEDIATELY FOLLOWING THE PUBLIC MEETING PURSUANT TO ORS 192.660(2)(e): TO CONDUCT DELIBERATIONS WITH PERSONS DESIGNATED BY THE GOVERNING BODY TO NEGOTIATE REAL PROPERTY TRANSACTIONS.

Television schedule for September 1, 2016 Metro Council meeting

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

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

Agenda Item No. 3.1

Resolution No. 16-4718, For the Purpose of Authorizing the
Chief Operating Officer to Grant a Permanent Easement to
Multnomah County

Consent Agenda

Metro Council Meeting
Thursday, September 1, 2016
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE) RESOLUTION NO. 16-4718
CHIEF OPERATING OFFICER TO GRANT AN)
EASEMENT TO MULTNOMAH COUNTY) Introduced by Chief Operating Officer Martha
Bennett in concurrence with Council
President Tom Hughes

WHEREAS, the Sellwood Bridge was constructed by Multnomah County (the "County") in 1925 to replace the Spokane Street Ferry, has been managed and maintained by County since, and is a critical east-west Willamette River crossing for circulation of cars, buses, bicycles and pedestrians between southeast Portland, Clackamas County and downtown Portland and the west side of the region; and

WHEREAS, pursuant to the Metro Open Spaces, Parks and Streams 1995 Ballot Measure 26-26, on May 1, 1998, Metro purchased approximately 44 acres of real property in the OMSI to Springwater Corridor Target Area known as the "PGE/Enron Property", including a portion of land underneath the east approach of the Sellwood Bridge; and

WHEREAS, the County has operated the existing bridge across the PGE/Enron Property under a 1925 Right Of Way easement (the "PGE Easement") granted to the County by Metro's predecessor-in-interest, PGE (actually granted by PGE's predecessor, the Portland Electric Power Company); and

WHEREAS, the City of Portland, acting through its Bureau of Parks & Recreation ("PP&R"), manages the PGE/Enron Property through an intergovernmental agreement with Metro, and built a 3.1 mile segment of trail on the PGE/Enron Property known as the "Springwater on the Willamette Trail" that opened to the public in 2002, including a segment travelling under the east approach of the Sellwood Bridge (the "Trail Crossing"); and

WHEREAS, in 2004 cracks were discovered in both the east and west Sellwood Bridge approaches, necessitating Multnomah County to explore options for repair or replacement of the bridge; and

WHEREAS, on February 19, 2009, by Resolution 09-022, the Multnomah County Board of Commissioners approved a Locally Preferred Alternative with Conditions for construction of the Sellwood Bridge Replacement Project (the "New Bridge"), following the recommendation of the Sellwood Bridge Project Policy Advisory Group and including new bicycle and pedestrian facilities crossing the Bridge and connecting to the Springwater Corridor Trail; and

WHEREAS, the County has undertaken construction of the New Bridge, including the structure over the Trail Crossing, in accordance with the Permit of Entry for Park Property – Permit #2012-01, issued effective February 1, 2012, by PP&R;

WHEREAS, the New Bridge will be wider and will extend to the south beyond the south boundary of the PGE Easement; and

WHEREAS, the County has requested updated permanent bridge easement rights from Metro, to replace the PGE Easement, for the location where the New Bridge crosses the Springwater on the Willamette Trail, totaling 8,599 square feet, over and across the portion of the Right-of-Way described as Parcel 1 on page 1 and depicted as Parcel 1 - Permanent Easement on page 2 of Exhibit A hereto;

WHEREAS, Metro Parks and Nature Department staff have evaluated this easement request according to the criteria set forth in Metro Council Resolution No. 97-2539B, "For the Purpose of Approving General Policies Related to the Review of Easements, Right of Ways, and Leases for Non-Park Uses Through Properties Managed by the Regional Parks and Greenspaces Department," adopted on November 6, 1997 (the "Easement Policy"), as further set forth in Attachment 1 to the Staff Report for this Resolution; and

WHEREAS, staff has determined that the easement request can be accommodated without significant impact to natural resources, cultural resources, and recreational facilities or opportunities and that there is no feasible alternative alignment or site for this request, and staff therefore recommends approval of the easement request; and

WHEREAS, the Easement Policy and the Metro Code requires review of all easement requests by the Metro Council; now therefore,

BE IT RESOLVED that the Metro Council hereby authorizes the Chief Operating Officer to grant a permanent right of way easement to Multnomah County in the location described on the attached Exhibit A to this Resolution, on terms satisfying the Easement Policy and approved by the Office of Metro Attorney.

ADOPTED by the Metro Council this _____ day of _____, 2016.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

Exhibit A to Resolution No. 16-4718
(Permanent Easement Description)

Item No. 2010-45
DEA File No. T1015D-019
2/1/2016

SELLWOOD BRIDGE

EXHIBIT 1

PAGE 1 OF 2

METRO, A MUNICIPAL CORPORATION

PARCEL 1

A portion of that tract of land described as Parcel XIV in Document No. 98073856, Multnomah County Deed Records, located in the Southeast Quarter of Section 22, and the Southwest Quarter of Section 23, Township 1 South, Range 1 East, Willamette Meridian, in the City of Portland, Multnomah County, Oregon, said tract of land being bounded on the North by the following described Line 'A' and being bounded on the South by the following described Line 'B':

Line 'A'

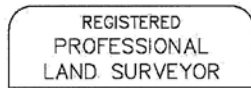
Beginning at a point on the West line of Block 3, Sellwood, Multnomah County Plat Records, being 39.00 feet Northerly of, when measured at right angles to, the centerline of SE Tacoma Street; Thence S88°44'14"W, a distance of 373.56 feet to a point being 20.50 feet Northerly of, when measured at right angles to, the Westerly extension of the centerline of SE Tacoma Street; Thence N88°25'27"W, parallel with said centerline, a distance of 325.87 feet, more or less, to the mean low water line of the Willamette River.

Line 'B'

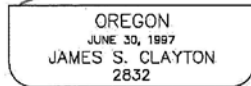
Beginning at a point on the West line of block 4, Sellwood, Multnomah County Plat Records, being 63.50 feet Southerly of, when measured at right angles to, the centerline of SE Tacoma Street; Thence N88°25'27"W parallel with the Westerly extension of said centerline, a distance of 645.35 feet, more or less, to the mean low water line of the Willamette River.

Containing 8,599 square feet, more or less.

As shown on the attached Exhibit 2, in the event of a conflict or discrepancy between the map as shown on Exhibit 2 and the written legal description provided above, the written legal description shall prevail.

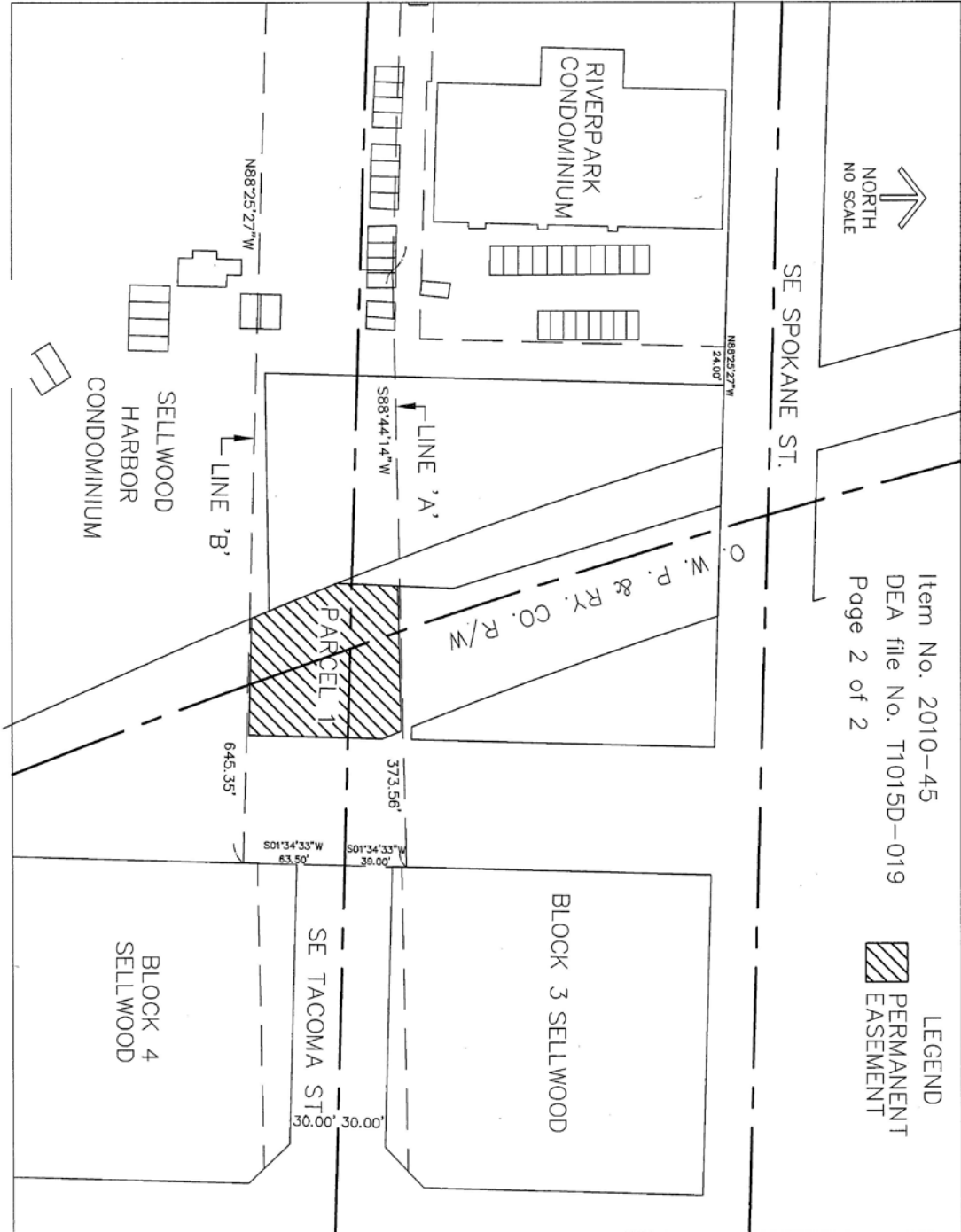


James S. Clayton 2-1-16



RENEWAL DATE: 1-1-18

Exhibit A to Resolution No. 16-4718
 (Permanent Easement Depiction)



Item No. 2010-45
 DEA file No. T1015D-019
 Page 2 of 2

LEGEND
 PERMANENT EASEMENT

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 16-4718, FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO GRANT AN EASEMENT TO MULTNOMAH COUNTY

Date: September 1, 2016

Prepared by: Dan Moeller
503-797-1819

BACKGROUND

Metro's Parks and Nature Department receives requests for easements, leases and right-of-ways for non-park uses through park and natural area properties. These requests are reviewed and analyzed per guidance and policy established via Resolution 97-2539B, "For The Purpose Of Approving General Policies Related To The Review Of Easements, Right-Of-Ways and Leases For Non-Park Uses Through Properties Managed By Regional Parks and Greenspaces Department," adopted by the Metro Council on November 6, 1997.

Metro received an easement application from Multnomah County, and it has been reviewed by staff in accordance with this policy. As set forth in the findings in Attachment 1 as required by the policy, staff recommends approval of the easement request.

Multnomah County has submitted an application to Metro for an 8,599 square foot permanent easement in southeast Portland, in the location where the County owned and managed Sellwood Bridge perpendicularly crosses the Metro-owned and City of Portland-managed Springwater on the Willamette Trail. The Sellwood Bridge, built by Multnomah County in 1925 to replace the Spokane Street Ferry, is a critical east-west Willamette River crossing link for circulation of cars, buses, bicycles and pedestrians between southeast Portland, Clackamas County and downtown Portland and the west side of the region.

The existing Sellwood Bridge has long been deteriorating culminating in the 2004 discovery of cracks in both the east and west concrete approaches. Work to replace the bridge began in 2006 as a planning effort to develop a community-supported solution to address the long-term transportation deficiencies posed by the deterioration of the bridge. As part of this work, Multnomah County prepared an Environmental Impact Statement (EIS) that summarized major environmental impacts, community concerns and considered alternative solutions. A preferred alternative was selected in 2009, calling for a new bridge to be built on the same alignment (the "New Bridge"). The new bridge would be 64-foot wide at its narrowest point, with two 12-foot travel lanes, two 12-foot shared use sidewalks, and two 6.5-foot bike lanes/emergency shoulders.

The County has operated the existing bridge under a 1925 Right Of Way easement (the "PGE Easement") across the Springwater on the Willamette Trail granted by Metro's predecessor-in-title, PGE (actually granted by PGE's predecessor, the Portland Electric Power Company). The County will replace the existing structure crossing over the Springwater on the Willamette Trail and construct a new bridge approach. The new bridge will be wider and will extend to the south beyond the south boundary of the PGE Easement; therefore, a new easement is required for this new area, the terms of which will be substantially the same (no surface, structural improvements built on the Metro property - purely for the aerial crossing and ground access for facilities maintenance).

The construction work on the New Bridge started in 2012, and the work on the east end taking place within the Springwater on the Willamette Trail to date has been done in accordance with a Non-Park Use Permit (NPUP) issued by the City of Portland, which manages the Springwater Trail for Metro. As the project nears completion, the County desires to replace the temporary rights granted in the NPUP with a

permanent easement from Metro to the County for the portion of the New Bridge that crosses over the Springwater on the Willamette Trail. The County expects to complete this project in late 2016 and requests to secure an easement prior to completion.

Metro Parks and Nature Department staff reviewed this easement request, in accordance with Resolution 97-2539B, “For The Purpose Of Approving General Policies Related To The Review Of Easements, Right-Of-Ways and Leases For Non-Park Uses Through Properties Managed By Regional Parks and Greenspaces Department.” As set forth in the findings in Attachment 1 as required by the policy, staff have determined that the request can be accommodated without significant impact to natural resources, cultural resources, and recreational facilities or opportunities and that there is no feasible alternative alignment or site for this request. Staff therefore recommends approval of the easement request.

ANALYSIS/INFORMATION

1. Known Opposition

None

2. Legal Antecedents

1995 Metro Open Spaces Bond Measure approved by voters on May 16, 1995;

2006 Metro Natural Areas Bond Measure approved by voters on November 7, 2006;

Metro Code Section 2.04.026(a)(2), which requires Metro Council authorization for the Chief Operator to transfer interests in real property; and

Metro Council Resolution No. 97-2539B “For the Purpose of Approving General Policies Related to the Review of Easements, Right-Of-Ways, and Leases for Non-Park Uses through Properties Managed by the Regional Parks and Greenspaces Department,” adopted November 6, 1997.

3. Anticipated Effects

Adoption of the resolution authorizing granting the easement will allow Multnomah County to construct and maintain the Sellwood Bridge, a critical east-west Willamette River crossing link for circulation of cars, buses, bicycles and pedestrians between southeast Portland, Clackamas County and downtown Portland and the west side of the region.

4. Budget Impacts

The applicant will pay for the value of the easement as well as staff time to process the request, a sum of \$2,567.61.

RECOMMENDED ACTION

The Chief Operating Officer recommends approval of Resolution 16-4718.



ATTACHMENT 1 TO STAFF REPORT TO RESOLUTION NO. 16-4718

METRO EASEMENT POLICY CRITERIA AND STAFF FINDINGS ON MULTNOMAH COUNTY'S APPLICATION FOR A PERMANENT EASEMENT ACROSS THE SPRINGWATER ON THE WILLAMETTE TRAIL

- 1) Provide for formal review of all proposed easements, rights of ways, and leases for non-park uses by the Regional Parks and Greenspaces Advisory Committee, the Regional Facilities Committee and the full Council. Notwithstanding satisfaction of the criteria set forth herein, the final determination of whether to approve a proposed easement, right of way, or lease is still subject to the review and approval by the full Metro Council.**

Staff finding: Criterion has been satisfied through a thorough review by Metro Parks and Nature Department staff and the Office of Metro Attorney. Department staff prepared a Resolution, Staff Report and this Staff Findings Report to present to the Metro Council for a final decision.

- 2) Prohibit the development of utilities, transportation projects and other non-park uses within corridors or on sites which are located inside of Metro owned or managed regional parks, natural areas, and recreational facilities except as provided herein.**

Staff finding: The easement request is for a transportation project across a Metro owned regional trail. The applicant, Multnomah County, requests a permanent 8,599 square foot easement across the Springwater on the Willamette Trail where the County owned and managed Sellwood Bridge crosses the Trail perpendicularly. Department staff reviewed this request as provided herein for a non-park use on a natural area site in accordance with this policy.

- 3) Reject proposals for utility easements, transportation right of ways and leases for non-park uses which would result in significant, unavoidable impacts to natural resources, cultural resources, recreational facilities, recreational opportunities or their operation and management.**

Staff finding: Criterion satisfied. Parks and Nature Department staff reviewed this request and determined that there will be no significant impacts to natural resources, cultural resources, recreational facilities, recreational opportunities or their operation and management to the site by the requested easement. In addition, Council approval of this easement request will provide significant public benefits of improving public safety, connectivity and capacity for multi-modal transportation across the Willamette River.

The County currently has an easement across the Metro property for the existing Sellwood Bridge across the Springwater on the Willamette Trail dating back to the bridge's construction in 1925. However, in the interest of public safety and aiding motor vehicle traffic, Multnomah County is removing and replacing the existing Sellwood Bridge in its

entirety with the “New Bridge”. The New Bridge will follow the same alignment as the old bridge. The County will replace the existing structure crossing over the Springwater on the Willamette Trail and construct a new bridge approach to accommodate the portion of the New Bridge between the east bank of the river and SE 6th Avenue. Therefore the easement will be in substantially the same location, but as the New Bridge is wider, the updated easement will be slightly larger and extend further south. As with the previous easement, no surface, structural improvements will be built within the Springwater on the Willamette and trail users will not be impacted.

- 4) **Accommodate utility easements, transportation right of ways or other non-park uses when the Regional Parks and Greenspaces Department (the Department) determines that a proposed easement, right of way, or non-park use can be accommodated without significant impact to natural resources, cultural resources, recreational facilities, recreational opportunities or their operation and management; and that the impacts can be minimized and mitigated.**

Staff finding: Criterion satisfied. As explained above, Parks and Nature Department staff reviewed this request and determined that there will be no significant impacts to natural resources, cultural resources, recreational facilities, recreational opportunities or their operation and management to the site by the requested easement. In addition, Council approval of this easement request will provide significant public benefits of improving public safety, connectivity and capacity for multi-modal transportation across the Willamette River.

- 5) **Require full mitigation and related maintenance, as determined by the Department, of all unavoidable impacts to natural resources, recreational facilities, recreational opportunities or their operation and management associated with the granting of easements, right of ways, or leases to use Metro owned or managed regional parks, natural areas or recreational facilities for non-park uses.**

Staff finding: Criterion satisfied. The Metro property, the Springwater on the Willamette Trail, is an existing, paved, multi-use trail. No surface, structural improvements will be built within the Springwater on the Willamette and trail users will not be impacted. No mitigation is required.

- 6) **Limit rights conveyed by easements, right of ways, and leases for non-park uses to the minimum necessary to accomplish the objectives of any proposal.**

Staff finding: Criterion satisfied. The applicant requests an easement of 8,599 square feet. The applicant has demonstrated that this square footage is necessary to construct and maintain a section of public roadway.

- 7) **Limit the term of easements, right of ways and leases to the minimum necessary to accomplish the objectives of any proposal.**

Staff finding: Criterion satisfied. The applicant indicates that permanent easement space limitations are the minimum needed to accomplish and maintain the project. Maintenance of this area in perpetuity after the construction will be necessary.

- 8) **Require reversion, non-transferable, and removal and restoration clauses in all easements, rights of ways, and leases.**

Staff finding: Criterion satisfied. If the Metro Council approves an easement, the easement will include these terms. The Office of Metro Attorney will draft and review the easement before signature.

- 9) **Fully recover all direct costs (including staff time) associated with processing, reviewing, analyzing, negotiating, approving, conveying, or assuring compliance with the terms of any easement, right of way, or lease for non-park use.**

Staff finding: Criterion satisfied. Metro staff documented time and costs spent on this application and informed the applicant of the policy requiring reimbursement. Execution of the easement is subject to satisfaction of all expenses and the applicant is aware and agreeable to this.

- 10) **Receive no less than fair market value compensation for all easements, right of ways, or leases for non-park uses. Compensation may include, at the discretion of the Department, periodic fees or considerations other than money.**

Staff finding: Criterion satisfied. If the Metro Council elects to approve the easement, the applicant will be required to compensate Metro with the fair market value of the proposed easement area. The proposed easement area is a low value area (open space and encumbered by an existing easement as well as a paved trail) and an appraisal would likely far outweigh the value of the easement. A Metro staff person, an acquisition expert, has valued this easement area at \$1,901.75 and the applicant agrees to compensate Metro accordingly.

- 11) **Require full indemnification from the easement, right of way or leaseholder for all costs, damages, expenses, fines, or losses related to the use of the easement, right of way, or lease. Metro may also require insurance coverage and/or environmental assurances if deemed necessary by the Office of General Counsel.**

Staff finding: Criterion satisfied. If the Metro Council elects to approve the easements, the easement document will include indemnification and insurance provisions.

- 12) **Limit the exceptions to this policy to: grave sales, utilities or transportation projects which are included in approved master/management plans for Metro regional parks, natural areas and recreational facilities; projects designed specifically for the benefit of a Metro regional park, natural area, or recreational facility; or interim use leases as noted in the Open Spaces Implementation Work Plan.**

Staff finding: Criterion satisfied. No exception to the policy was requested and this applicant has satisfied the easement policy.

- 13) **Provide for the timely review and analysis of proposals for non-park uses by adhering to the following process:**
- A. **The applicant shall submit a detailed proposal to the Department which includes all relevant information including but not limited to: purpose, size, components, location, existing conditions, proposed project schedule and phasing, and an analysis of other alternatives which avoid the Metro owned or managed regional park, natural area or recreational facility which are considered infeasible by the applicant. Cost alone shall not constitute unfeasibility.**

Staff finding: Criterion satisfied. The applicant submitted a detailed application and proposal that included all necessary information.

- B. Upon receipt of the detailed proposal, the Department shall determine if additional information or a Master Plan is required prior to further review and analysis of the proposal. For those facilities, which have master plans, require that all proposed uses are consistent with the master plan. Where no master plan exists all proposed uses shall be consistent with the Greenspaces Master Plan. Deficiencies shall be conveyed to the applicant for correction.**

Staff finding: Criterion satisfied. The application was thorough and complete, and no additional information is needed. While there is no Master Plan for this property, the site is already built as a trail and this easement request does not prohibit continued trail use. The County's former easement for the old Sellwood Bridge was in place prior to trail construction.

- C. Upon determination that the necessary information is complete, the Department shall review and analyze all available and relevant material and determine if alternative alignments or sites located outside of the Metro owned or managed regional park, natural area, or recreational facility are feasible.**

Staff finding: Criterion satisfied. Parks and Nature Department staff concur no reasonable alternative exists. Prior to construction, Multnomah County prepared an Environmental Impact Statement that summarized major environmental impacts, community concerns and considered alternative solutions. A preferred alternative was selected by the Multnomah County Commissioners in 2009, calling for a new bridge to be built on the same alignment.

- D. If outside alternatives are not feasible, the Department shall determine if the proposal can be accommodated without significant impact to park resources, facilities or their operation and management. Proposals which cannot be accommodated without significant impacts shall be rejected. If the Department determines that a proposal could be accommodated without significant impacts, staff shall initiate negotiations with the applicant to resolve all issues related to exact location, legal requirements, terms of the agreement, mitigation requirements, fair market value, site restoration, cultural resources, and any other issue relevant to a specific proposal or park, natural area or recreational facility. The Department shall endeavor to complete negotiations in a timely and business-like fashion.**

Staff finding: Criterion satisfied. Department staff determined the proposal can be accommodated without significant impacts to natural resources or the operations and management of Metro property. Staff does not believe there are any outstanding issues related to exact location, legal requirements, terms of the agreement, mitigation requirements, fair market value, site restoration, cultural resources, and any other issue relevant to a specific proposal or park, natural area or recreational facility. Should the Metro Council approve the easement request, program staff will work with the Office of Metro Attorney to resolve any and all issues that arise.

- E. Upon completion of negotiations, the proposed agreement, in the appropriate format, shall be forwarded for review and approval. In no event shall construction of a project commence prior to formal approval of a proposal.**

Staff finding: Criterion satisfied. If the easement is approved by the Metro Council, the Office of Metro attorney will review and approve the easement document.

- F. Upon completion of all Metro tasks and responsibilities or at intervals determined by the Department, and regardless of Metro Council action related to a proposed easement, right of way, or lease for a non-park use, the applicant shall be invoiced for all expenses or the outstanding balance on expenses incurred by Metro.**

Staff finding: Criterion satisfied. Metro costs have been documented and the applicant will be billed for reimbursement.

- G. Permission from Metro for an easement or right-of-way shall not preclude review under applicable federal, state, or local jurisdiction requirements.**

Staff finding: Criterion satisfied. The applicant has already received permits from various agencies, including but not limited to, a NPUP (non park use permit) from the City of Portland who manages this trail for Metro, and an Existing Public Road Grade Separation Structure Construction and Maintenance Agreement with Oregon Pacific Railroad Company.

Agenda Item No. 3.2

Resolution No. 16-4727, For the Purpose of Confirming the
Council President's Reappointment of Ray Leary to the
Metropolitan Exposition Recreation Commission

Consent Agenda

Metro Council Meeting
Thursday, September 1, 2016
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE) RESOLUTION NO. 16-4727
COUNCIL PRESIDENT’S REAPPOINTMENT OF) Introduced by Council President Tom Hughes
RAY LEARY TO THE METROPOLITAN)
EXPOSITION RECREATION COMMISSION)

WHEREAS, the Metro Code, Section 6.01.030(a) provides that the Metro Council President shall appoint all members to the Metropolitan Exposition Recreation Commission (“the Commission”) ; and

WHEREAS, the Metro Code, Section 6.01.030(b) provides that the Council President’s appointments to the Commission are subject to confirmation by the Metro Council; and

WHEREAS, pursuant to Metro Code Section 6.01.030(d)(1), the City of Portland has nominated Ray Leary for reappointment on the Commission; and

WHEREAS, pursuant to Metro Code, Section 6.01.030(e)(1), the Metro Council President has the authority to concur with the City of Portland’s nomination of Mr. Leary or reject it ; and

WHEREAS, the Metro Council President has concurred with the City of Portland’s nomination of Mr. Leary and submitted the reappointment of Mr. Leary to the Metro Council for confirmation; and

WHEREAS, the Metro Council finds that Ray Leary has the experience and expertise to make a substantial contribution to the Commission’s work; now therefore,

BE IT RESOLVED that the Metro Council hereby confirms the Council President’s reappointment of Ray Leary as a member of the Metropolitan Exposition Recreation Commission for a 4-year term as provided by the Metro Code, commencing on September 26, 2016 through September 25, 2020.

ADOPTED by the Metro Council this _____ day of _____, 2016.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 16- 4727, FOR THE PURPOSE OF CONFIRMING THE REAPPOINTMENT OF RAY LEARY TO A FOUR-YEAR TERM ON THE METROPOLITAN EXPOSITION RECREATION COMMISSION.

Date: September 1, 2016

Prepared by: Margie Helton
503-797-1780

BACKGROUND

Metro Code, Section 6.01.030(a), gives the Metro Council President sole authority to appoint all members of the Metropolitan Exposition Recreation Commission, subject to confirmation by the Council. Section 6.01.030 (d)(2) of the Code allows the City of Portland to nominate a candidate for appointment for the Council President's consideration. Under Section 6.01.030(e)(1) of the Metro Code, the Metro Council President has the authority to concur with the City of Portland's nomination and submit it to the Council for confirmation, or reject it.

The City of Portland has recommended re-appointment of Ray Leary for continued membership on the Commission for an additional four-year term commencing September 26, 2016. A copy of the nomination letter from the City of Portland Mayor is attached hereto as Attachment 1. A copy of the city's resolution nominating Mr. Leary for reappointment is attached hereto as Attachment 2. A copy of Mr. Leary's resume is attached hereto as Attachment 3.

ANALYSIS/INFORMATION

- 1. Known Opposition:** None
- 2. Legal Antecedents:** Metro Code as referenced above
- 3. Anticipated Effects:** Reappointment of Mr. Leary in the manner provided by the Metro Code.
- 4. Budget Impacts:** None

RECOMMENDED ACTION

The Metro Council President recommends approval of Resolution 16-4727 to confirm the reappointment of Ray Leary to the Metropolitan Exposition Recreation Commission for a four-year term beginning on September 26, 2016 and ending September 25, 2020.



OFFICE OF MAYOR CHARLIE HALES
CITY OF PORTLAND

August 3, 2016

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


Dear President Hughes,

I am pleased to share with you the City of Portland's nomination of Ray Leary to serve another term on the Metropolitan Exposition and Recreation Commission. On July 27, 2016, the Portland City Council, through Resolution 37222, unanimously approved Mr. Leary as the City's nominee for a four-year term effective September 26, 2016 to September 25, 2020.

Mr. Leary has served as a MERC Commissioner since July 2004. His many years of community service and commitment to major MERC projects, including the First Opportunity Target Program and the Oregon Convention Center hotel, make him an ideal candidate for the commission. His years of experience on the Commission provide a strong basis for guiding budget and policy decisions for the Portland's Centers for the Arts, Oregon Convention Center, and Portland Expo Center. Mr. Leary lives within the City of Portland and therefore meets the residency requirement for this position.

Please accept the Portland City Council's recommendation to appoint Mr. Hall to the Commission.

Sincerely,


Charlie Hales
Mayor, City of Portland

RESOLUTION No.

37222

Nominate Ray Leary to the Metropolitan Exposition and Recreation Commission to fill a City of Portland position. (Resolution)

WHEREAS, through the 1989 Intergovernmental Agreement regarding consolidation of regional convention, trade, spectator and performing arts, the City and Metro established the Metropolitan Exposition and Recreation Commission (MERC) to provide oversight and direction on the ongoing operations of visitor facilities owned by the parties, and agreed on the management of those facilities; and

WHEREAS, Metro Code Section 6.01.030 requires the City Council to nominate candidates to fill two MERC positions allocated to the City of Portland, the Metro Council President to concur with or reject such nomination, and the Metro Council to confirm the appointment; and

WHEREAS, Ray Leary currently represents the City of Portland on the Commission, has done so since July 2004, and has expressed interest in serving another four year term when his current term expires on September 25, 2016; and

WHEREAS, Mayor Charlie Hales has reviewed Ray Leary's professional qualifications and experience and found that Mr. Leary is a highly qualified candidate to represent the City on the Commission and meets the Metro Code's residency requirement; and

WHEREAS, Mayor Hales recommends the City Council nominate Mr. Leary to fill the City of Portland MERC position for a new four-year term ending on September 25, 2020; and

WHEREAS, the Mayor recommends Mr. Leary be appointed to MERC, subject to the Metro Council President's concurrence and the Metro Council's confirmation; and

WHEREAS, in Resolution 37148, the City Council adopted a process for MERC nominations and the Mayor had followed this process, including confirming the City's MERC nomination through a Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the City Council nominates Ray Leary to represent the City of Portland as a member of the Metropolitan Exposition and Recreation Commission to serve the four-year term beginning on September 26, 2016 and ending September 25, 2020, subject to concurrence by the Metro Council President and confirmation by the Metro Council.

Adopted by the Council: JUL 27 2016

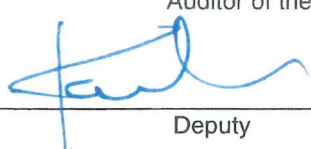
Mayor Charlie Hales
Prepared by: Susan Hartnett
Date Prepared: June 29, 2016

Mary Hull Caballero
Auditor of the City of Portland

By 
Deputy

Agenda No.
RESOLUTION NO. 37222
 Title

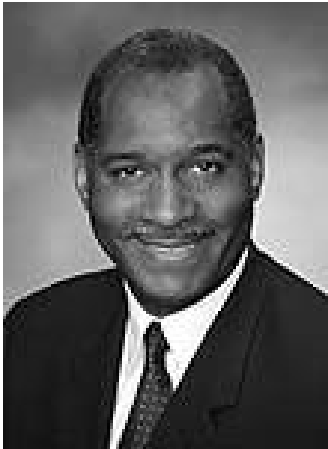
Nominate Ray Leary to the Metropolitan Exposition and Recreation Commission to fill a City of Portland position. (Resolution)

INTRODUCED BY Commissioner/Auditor: HALES	CLERK USE: DATE FILED <u>JUL 19 2016</u>
COMMISSIONER APPROVAL Mayor - Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	Mary Hull Caballero Auditor of the City of Portland By:  Deputy
BUREAU APPROVAL Bureau: OMF Bureau Head: Fred Miller, CAO <i>Fred Miller</i> Prepared by: Susan Hartnett Date Prepared: 7/8/16	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	ACTION TAKEN:
Portland Policy Document Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval:	
City Attorney Approval:	
Council Meeting Date July 27, 2016	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
		YEAS NAYS
1. Fritz	1. Fritz	✓
2. Fish	2. Fish	✓
3. Saltzman	3. Saltzman	✓
4. Novick	4. Novick	✓
Hales	Hales	_____

Ellis Ray Leary, Jr.



Residence:

4738 NE 48th Place
Portland, OR 97218
Telephone: 503-839-5061

erljr128@msn.com

EXPERIENCE

The I AM Academy (TIAA)

2012 - Present

Principal Officer

- Skills Developer for Young Men of Color in Portland Public Schools
- Lead Facilitator in classroom, special assemblies, and as needed
- Student Advocate between teachers, administrators, parents, justice system
- Coordinator for job placements
- Oversees Administration and Budgetary Support
- Assessment/Reporting Coordinator

ERL Development

2000 - Present

Principal Officer

- Specializes in urban real estate development, marketing and workforce development and training.
- Completed Vanport Square on Martin Luther King Jr Blvd. a 50,000 sq. ft., award-winning, nationally recognized project.
- Co-owner of Leary & Associates, which provides consulting services for diversity training and organizational development.

Adidas America

1996 - 2000

Business Manager, Urban Marketing Unit '94 - '96

Executive Assistant to the President '96 - '00

- Project Manager for the first full line retail store located in Portland.

Self Enhancement, Inc. **1988 - 1994**
Co-Founder, Executive Vice President, Development
Executive Lead, \$10m Capital Campaign '92
Project Lead: 60,000 sq. ft. Center For Self Enhancement, '93-'94

Urban League of Portland **1984 - 1988**
Executive Assistant, Office of the President '84
Director of Development '85 -'86
Interim President '87 - '88

Portland Public Schools **1981 - 1984**
Harriet Tubman Middle School
Administrative Assistant to the Principal

EDUCATION

San Diego St. University, California **1973**
Athletic Scholarship
Captain, PCCA Champions '76
NCAA Tournament Participant '75 & '76
California RE License '77
Graduate, BA Economics '79

Jefferson High School, Portland, OR **1972**
Captain, Oregon HS Basketball State Champions
Athletic Scholarship Arizona Western Jr. College

BOARDS

Current Boards

- **MERC Commission, Chairman** (Portland, Oregon)
 The Metropolitan Exposition Recreation Commission (MERC) operates diverse and popular public venues in Portland, Oregon. The Oregon Convention Center draws national and local conventions, corporate meetings and retreats, and special catered events; the Portland Center for the Performing Arts is comprised of four theatres and one hall and host to national Broadway tours and local resident performing companies including the Oregon Ballet Theatre, Oregon Symphony, Portland Opera, and Portland Arts and Lectures Series; and the Portland Expo Center is as the largest consumer trade show facility on the West Coast.
- **Portland Interscholastic League Hall of Fame** (Oregon)
 The Portland Interscholastic League (PIL) Hall of Fame, a non-profit organization, operates for the purpose of enriching the lives of Portland, Oregon, school children through participation in competitive sports.

- **Youth 180** (Seattle, Washington)
Youth 180, a Rainier Beach nonprofit formed in response to street violence. The faith-based program offers course study, mentoring and fun activities to participants, who in turn go out on the streets and talk to other youth about turning their lives around.
- **Oregon Sports Authority** (Portland)
The Oregon Sports Authority has served as the state's sports economic development arm for nearly two decades, injecting more than \$200 million into Oregon's economy through sports tourism. Supported by more than 150 annual members, the non-profit organization works relentlessly to enhance the state's economy and quality of life through sports.

ORGANIZATIONS / AFFILIATIONS

- NAACP, Member
- NE Business Association, Member

ACCOMPLISHMENTS

Artistic:

- 1996 Grammy Award Nomination for Songwriter/Producer
- 1997 Hip Hop Hall of Fame Award

Leadership:

- Salvation Army Community Pride Award
- President Bush's Point of Light Foundation Award
- The Ron Schmidt Award from PRSA Portland Chapter
- NAACP Portland Image Award

Agenda Item No. 3.3

Consideration of Council Meeting Minutes on August 11, 2016

Consent Agenda

Metro Council Meeting
Thursday, September 1, 2016
Metro Regional Center, Council Chamber

Agenda Item No. 4.1

Resolution No. 16-4728, For the Purpose of Supporting the
Designation of the Tualatin River Water Trail as a National
Water Trail

Resolutions

Metro Council Meeting
Thursday, September 1, 2016
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE)	RESOLUTION NO. 16-4728
CHIEF OPERATING OFFICER TO SUBMIT A)	
LETTER OF SUPPORT TO THE APPLICATION)	Introduced by Chief Operating Officer Martha
FOR DESIGNATION OF THE TUALATIN		Bennett in concurrence with Council
RIVER WATER TRAIL AS A NATIONAL		President Tom Hughes
WATER TRAIL		

WHEREAS, the Tualatin River Water Trail is an outstanding resource for recreation; and

WHEREAS, Washington County Visitors Association has made the Tualatin River Water Trail a keystone in their nature-based tourism target market and published “A Paddler’s Access Guide to the Lower Tualatin River”; and

WHEREAS, Tualatin Riverkeepers, with the support of Metro and local stakeholders, is completing an application to the U.S. Secretary of the Interior to designate the Tualatin River Water Trail as a National Water Trail (NWT); and

WHEREAS, the NWT designation is proposed from Rood Bridge Park in Hillsboro, downstream to the Willamette River; and

WHEREAS, the designation requires that the trail be open to the public, remain open for public use for at least the next 10 years, be designed, constructed and maintained according to best management practices, and comply with all applicable land use plans and environmental laws; and

WHEREAS, the benefits of the NWT designation include increased visibility and prestige of being part of the National Trails System, use of the NWT logo, access to funding opportunities, training, and technical assistance, and inclusion in the online NWT database; and

WHEREAS, Metro is developing and will manage the Farmington Natural Area for public access to the Tualatin River Water Trail; and

WHEREAS, the application requires letters of support; NOW THEREFORE

BE IT RESOLVED by the Metro Council that the Chief Operating Officer is hereby authorized and directed to execute a letter of support on behalf of the Metro for the national water trail application.

ADOPTED by the Metro Council this _____ day of _____, 2016

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

Exhibit A to Resolution No. 16-4728
(Letter of Consent)

LETTER OF CONSENT – NATIONAL WATER TRAIL DESIGNATION

Metro, a municipal corporation, owns and maintains several properties along the Tualatin River Water Trail. One of these sites, located near the intersection of River Road and Farmington Road in Washington County, is currently under development and scheduled for completion in 2016. Planned and approved improvements include an access road, parking, restroom, and maintained walkways providing river access. On site habitat and the riparian corridor will also be improved.

Metro supports the designation of the Tualatin River Water Trail as a National Water Trail and gives its full consent to the application for that designation.

SIGNATURE: _____

NAME (Printed): _____

DATE: _____

TITLE: _____

DEPARTMENT: _____

AGENCY: _____

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 16- 4728, FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO SUBMIT A LETTER OF SUPPORT TO THE APPLICATION FOR DESIGNATION OF THE TUALATIN RIVER WATER TRAIL AS A NATIONAL WATER TRAIL

Date: September 1, 2016

Prepared by: Parks and Nature Planning

BACKGROUND

Metro has been working with the Tualatin Riverkeepers and other jurisdictional partners and stakeholders to enhance the Tualatin River Water Trail as a recreational resource for residents and visitors to the region. The Tualatin River Water Trail runs nearly 40 miles through farm lands, cities, and the Tualatin River National Wildlife Refuge from Rood Bridge Park in Hillsboro to the confluence with the Willamette River. The vision for the Tualatin River Water Trail is to establish access points every five miles between these two locations with the intent of providing convenient public access to paddling, fishing and wildlife viewing. The most recent Metro led effort towards achieving this goal is the development of a paddle launch at the Farmington Natural Area.

Tualatin Riverkeepers is initiating an application to the Secretary of the Interior to designate the Tualatin River Water Trail as a National Water Trail (NWT). The National Water Trails System is a network of exceptional water trails that are accessible to the public and support a national community of water resource managers to sustain America's rivers, shorelines and waterways through collaboration. Upon designation, the Tualatin River will join a list of nationally treasured water trails on water bodies including the Puget Sound and the Willamette, Missouri and Mississippi Rivers. In order to meet the requirements of designation as a National Water Trail, all water trail access points must be open to the public and written owner consent for the application must be submitted to the Secretary of the Interior. In order to move forward, water trail access points must be open to the public and written support for the application must be submitted to the Secretary of the Interior.

ANALYSIS/INFORMATION

1. **Known Opposition**

None

2. **Legal Antecedents**

None

3. **Anticipated Effects**

The National Water Trails System is a distinctive national network of exemplary water trails that are cooperatively supported and sustained. More specifically, the National Water Trails System has been established to:

- Protect and restore America's rivers, shorelines, and waterways.
- Increase access to outdoor recreation on shorelines and waterways.

Benefits of designation into the National Water Trails System include:

- Designation by the Secretary of the Interior, including a letter and certificate announcing the designation as a national water trail.

- National promotion and visibility, including use by the management entity of the National Water Trails System logo in appropriate settings and trail publications.
- Mutual support and knowledge sharing as part of a national network.
- Opportunities to obtain technical assistance and funding for planning and implementing water trail projects.

4. **Budget Impacts**

None

RECOMMENDED ACTION

It is recommended that Metro Council pass a resolution in support of the National Water Trail designation and, as owners and managers of a water trail access point, provide a letter of support for inclusion in Tualatin Riverkeepers' application to designate the Tualatin River Water Trail as a National Water Trail.

Agenda Item No. 5.1

Ordinance No. 16-1378, For the Purpose of Annexing to the Metro District Boundary Approximately 27.25 Acres Located in the River Terrace Area of Tigard and 17.27 Acres Located in the North Bethany Area of Washington County

Ordinances (2nd Read)

Metro Council Meeting
Thursday, September 1, 2016
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING TO THE)	ORDINANCE NO. 16-1378
METRO DISTRICT BOUNDARY)	
APPROXIMATELY 27.25 ACRES LOCATED IN)	Introduced by Chief Operating Officer
THE RIVER TERRACE AREA OF TIGARD AND)	Martha J. Bennett with the Concurrence of
17.27 ACRES LOCATED IN THE NORTH)	Council President Tom Hughes
BETHANY AREA OF WASHINGTON COUNTY)	

WHEREAS, Polygon WLH LLC has submitted a complete application for annexation of 27.25 acres in the River Terrace area of Tigard and 17.27 acres in the North Bethany area of Washington County ("the territory") to the Metro District; and

WHEREAS, the Metro Council added the River Terrace area and the North Bethany area to the UGB, including the territory, by Ordinance No. 02-969B on December 5, 2002; 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 August 11, 2016; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro District Boundary Map is hereby amended, as indicated in Exhibit A and Exhibit B, 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 July 22, 2016, attached and incorporated into this ordinance.

ADOPTED by the Metro Council this ____ day of September 2016.

Tom Hughes, Council President

Attest:

Approved as to form:

Nellie Papsdorf, Recording Secretary

Alison R. Kean, Metro Attorney

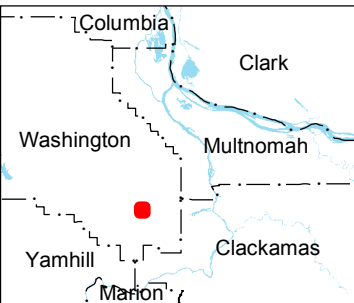
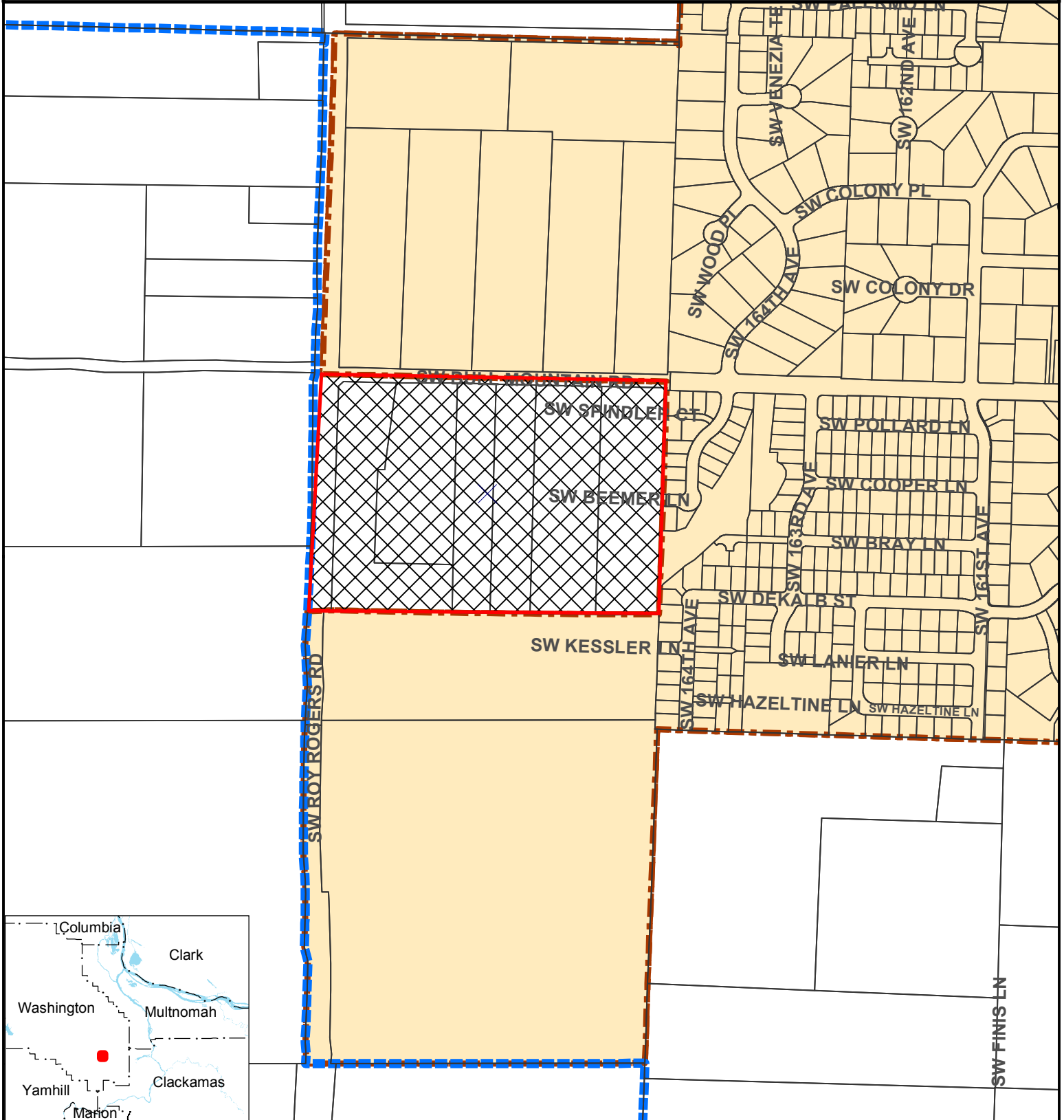
Ordinance No. 16-1378
For The Purpose of Annexing to the Metro District Boundary Approximately 27.25 Acres Located in Tigard and 17.27 Acres in the North Bethany Area

Proposal No. AN-0516





2S1W07

Annexation to the Metro District Boundary

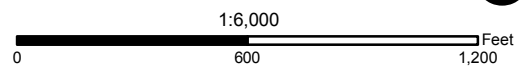
Washington County



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

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

Proposal No. AN-0516 Metro District Boundary



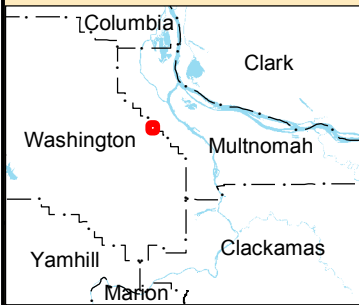
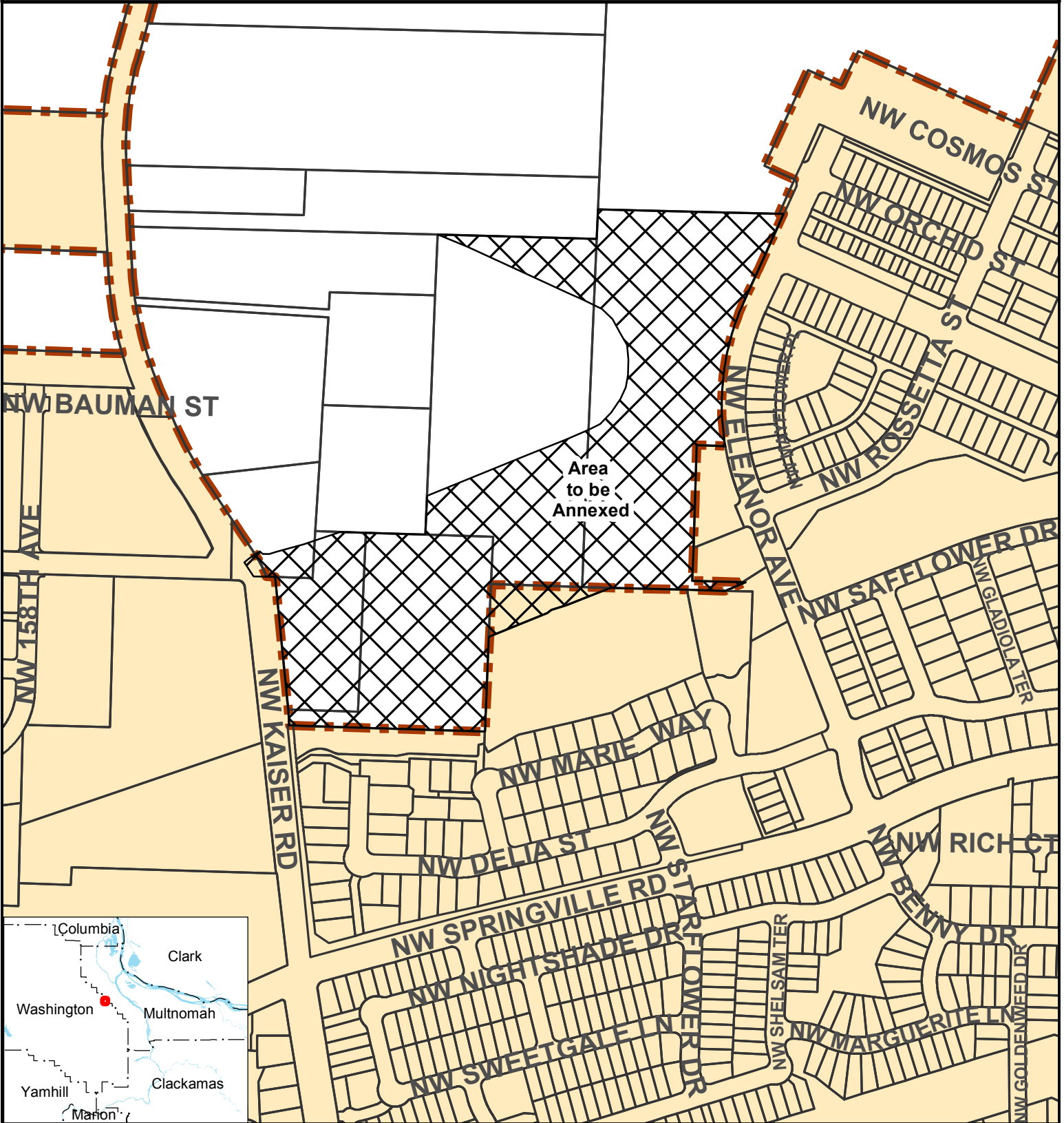
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Proposal No. AN-0516





1N1W17

Annexation to the Metro District Boundary

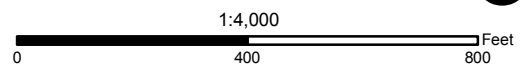
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-  Area to be annexed
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-  Metro District Boundary

Proposal No. AN-0516 Metro District Boundary



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STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 16-1378, FOR THE PURPOSE OF ANNEXING TO THE METRO BOUNDARY APPROXIMATELY 27.25 ACRES LOCATED IN THE RIVER TERRACE AREA OF TIGARD AND 17.27 ACRES LOCATED IN THE NORTH BETHANY AREA OF WASHINGTON COUNTY

Date: July 22, 2016

Prepared by: Tim O'Brien
Principal Regional Planner

BACKGROUND

CASE: AN-0516, Annexation to Metro District Boundary

PETITIONER: Polygon WLH LLC
109 E. 13th Street
Vancouver, WA 98660

PROPOSAL: The petitioner requests annexation of land in the River Terrace area of Tigard and in the North Bethany area of Washington County to the Metro District Boundary.

LOCATION: The land in the River Terrace area of Tigard and is approximately 27.25 acres in size, located east of SW Roy Rogers Road and south of SW Bull Mt. Road and can be seen in Attachment 1.

The land in the North Bethany area of Washington County is approximately 17.27 acres in size, is located east of NW Kaiser Road and west of NW Eleanor Ave and can be seen in Attachment 2.

ZONING: The property in the River Terrace area of Tigard is zoned for residential use (R-7 & R-12) by Tigard.

The land in the North Bethany area of Washington County is zoned for residential (R-15NB & R-24NB) and neighborhood commercial (NCC NB)

The land was added to the UGB in 2002 and is part of either the River Terrace Community Plan that was adopted by Tigard or the North Bethany Subarea Plan adopted by Washington county and 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:

Both the land in the River Terrace area of Tigard and the North Bethany area of Washington County was brought into the UGB in 2002 through the Metro Council's adoption of Ordinance No. 02-969B.

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. 02-969B include a requirement that Washington County 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 both expansion areas.

The River Terrace property was annexed to Tigard in August 2011 and the River Terrace Community Plan was adopted in 2014. 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.

For the land in North Bethany Washington County requires the land to be annexed into the appropriate sanitary sewer, water, park and road service districts prior to urbanization occurring, which the applicants are in the process of completing. 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 River Terrace property is part of Tigard's River Terrace Community Plan Area, adopted by the City of Tigard in 2014. The proposed annexation is consistent with the community plan and is required by Tigard as part of a land use application. The inclusion of the property within the Metro District is consistent with applicable cooperative urban service agreements.

The North Bethany property is part of Washington County's North Bethany Subarea Plan and was included in the North Bethany County Service District, established by the County Board of Commissioners on June 7, 2011. The proposed annexation is consistent with the Subarea Plan and the Service District agreement and is required by Washington County as part of a land use application. The inclusion of the property within the Metro District is consistent with all applicable plans.

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 27.25 acres in the River Terrace area of Tigard and 17.27 acres in the North Bethany area of Washington County to the Metro District. All of the land is currently within the UGB and approval of this request will allow for the urbanization of the land to occur consistent with the River Terrace Community Plan and the North Bethany Subarea 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

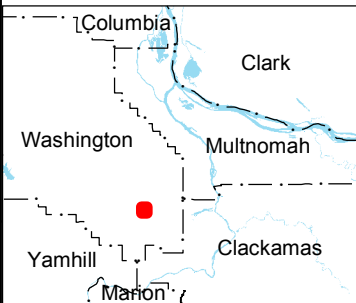
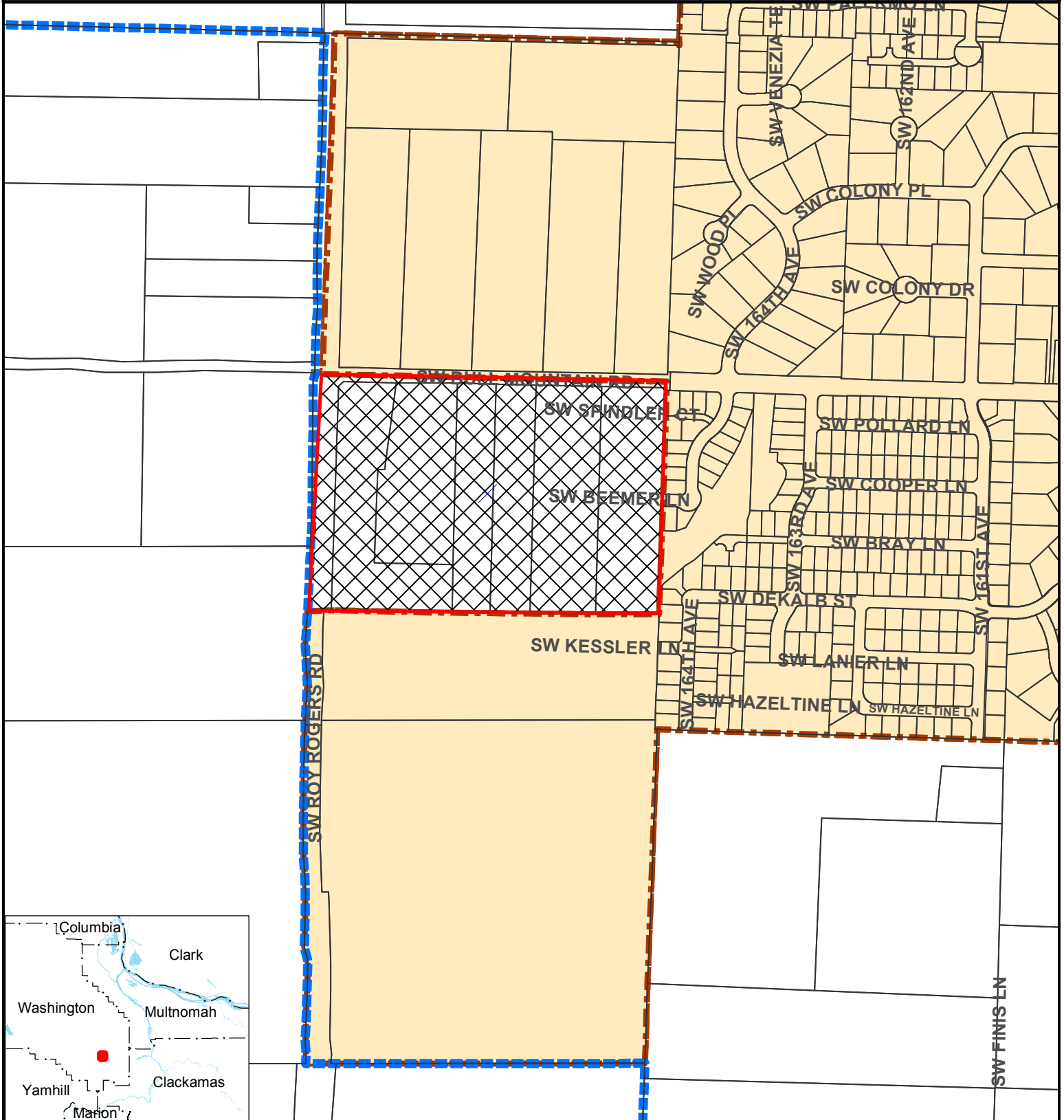
Staff recommends adoption of Ordinance No. 16-1378.

Proposal No. AN-0516





2S1W07

Annexation to the Metro District Boundary

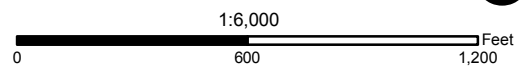
Washington County



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

Proposal No. AN-0516 Metro District Boundary



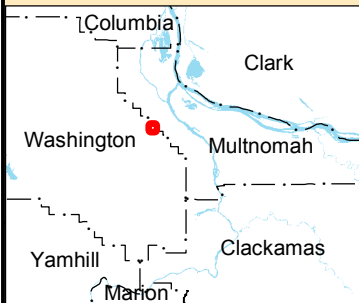
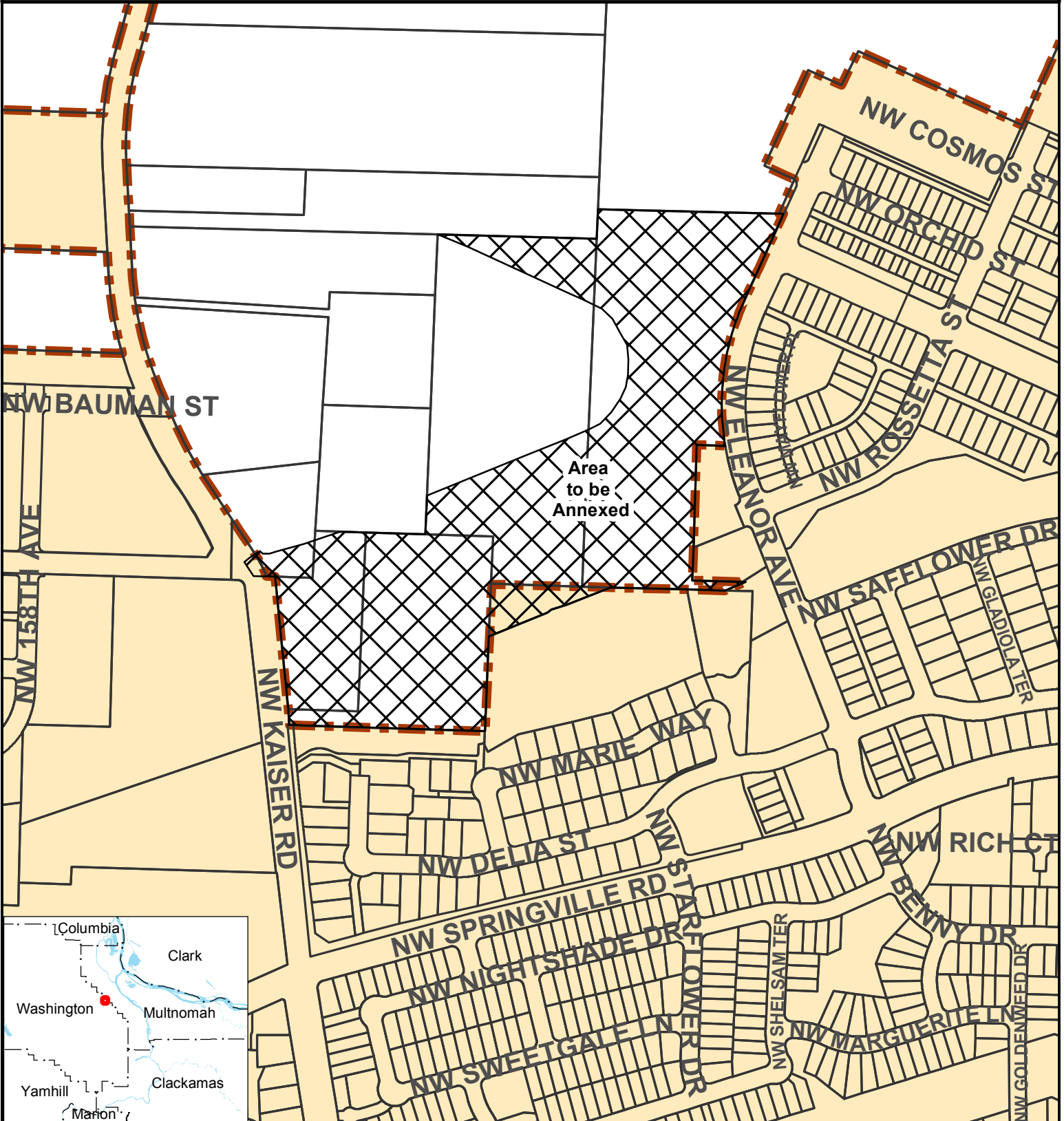
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Proposal No. AN-0516





1N1W17

Annexation to the Metro District Boundary

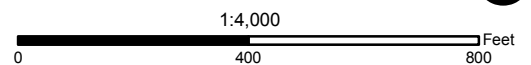
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-  Area to be annexed
-  Taxlots
-  Urban growth boundary
-  Metro District Boundary

Proposal No. AN-0516 Metro District Boundary



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Agenda Item No. 5.2

Ordinance No. 16-1379, For the Purpose of Annexing to the
Metro District Boundary Approximately 29.17 Acres Located at
25505 and 25805 NW Evergreen Road in Hillsboro

Ordinances (2nd Read)

Metro Council Meeting
Thursday, September 1, 2016
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING TO THE) ORDINANCE NO. 16-1379
METRO DISTRICT BOUNDARY)
APPROXIMATELY 29.17 ACRES LOCATED) Introduced by Chief Operating Officer
AT 25505 AND 25805 NW EVERGREEN ROAD) Martha J. Bennett with the Concurrence of
IN HILLSBORO) Council President Tom Hughes

WHEREAS, Mackenzie has submitted a complete application for annexation of 29.17 acres (“the territory”) located at 25505 and 25805 NW Evergreen Road in Hillsboro to the Metro District; and

WHEREAS, the Metro Council added the Evergreen 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 August 11, 2016; 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 July 22, 2016, attached and incorporated into this ordinance.

ADOPTED by the Metro Council this _____ day of September 2016.

Tom Hughes, Council President

Attest:

Approved as to form:

Nellie Papsdorf, Recording Secretary

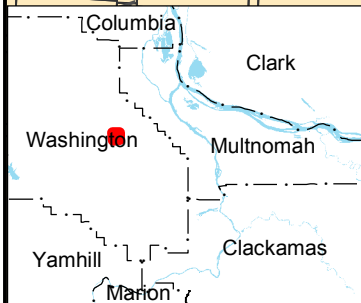
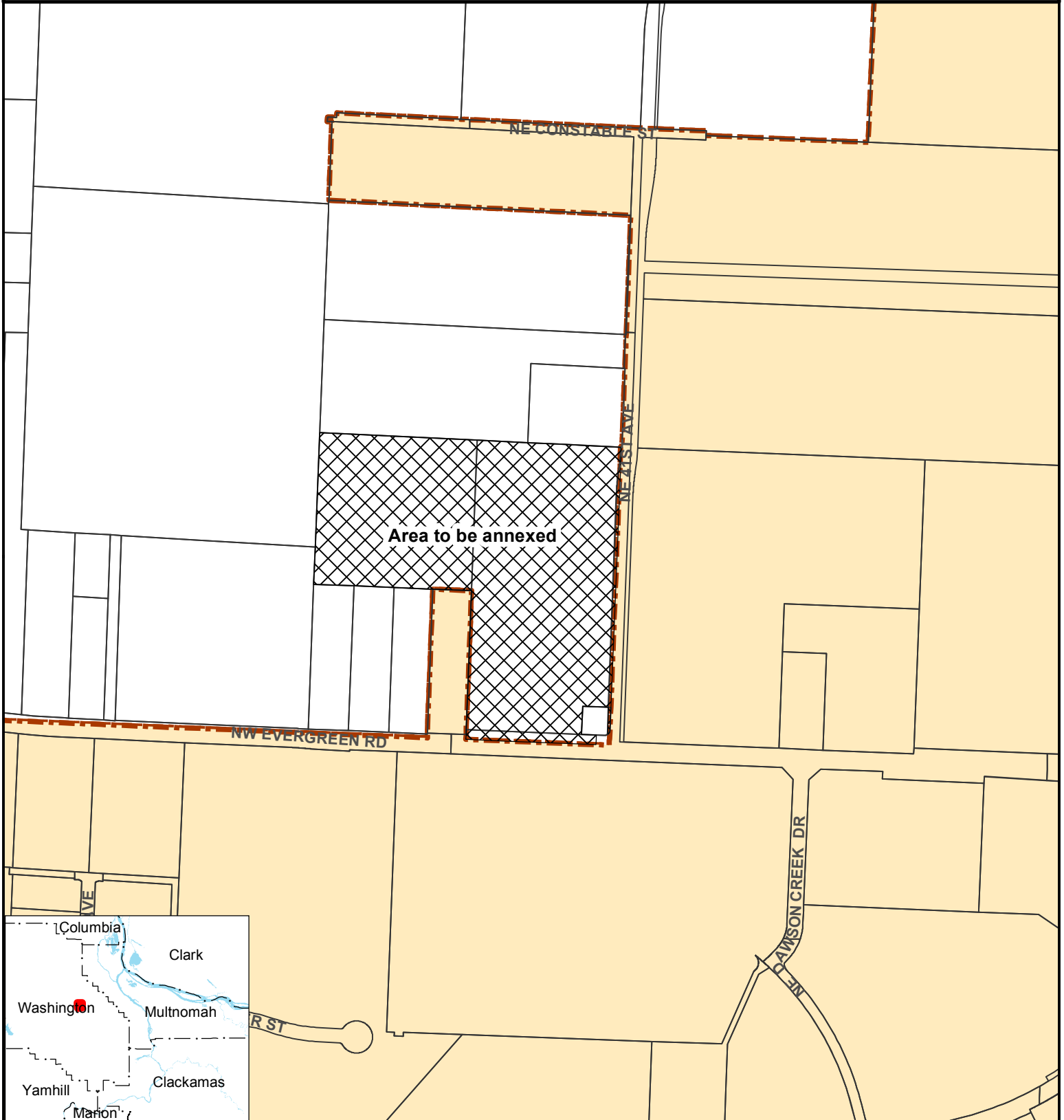
Alison R. Kean, Metro Attorney

Proposal No. AN-0616





2N2W21

Annexation to the Metro District Boundary

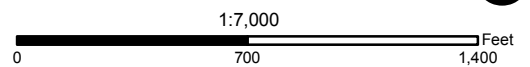
Washington County



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

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

Proposal No. AN-0616 Metro District Boundary



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STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 16-1379, FOR THE PURPOSE OF ANNEXING TO THE METRO BOUNDARY APPROXIMATELY 29.17 ACRES LOCATED AT 25505 AND 25805 NW EVERGREEN ROAD IN HILLSBORO

Date: July 22, 2016

Prepared by: Tim O'Brien
Principal Regional Planner

BACKGROUND

CASE: AN-0616, Annexation to Metro District Boundary

PETITIONER: Mackenzie
1515 SE Water Ave., Suite 100
Portland, OR 97293

PROPOSAL: The petitioner requests annexation of two parcels to the Metro District boundary. The applicant annexed the subject property to the City of Hillsboro on May 3, 2016.

LOCATION: The parcels are located at 25505 and 25805 NW Evergreen Road in Hillsboro. The parcels total 29.17 acres in size. A map of the area can be seen in Attachment 1.

ZONING: The property is currently zoned Future Development (FD-20) by Washington County and will be zoned for industrial use (I-S) upon annexation to Hillsboro.

The land was added to the UGB in 2005 and is part of the North Hillsboro Industrial Area Community 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 Washington County 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 also requires the land to be annexed into the appropriate urban service districts or a city prior to urbanization occurring. The land was annexed into the City of Hillsboro in May 2016. These measures ensured that urbanization would occur only after annexation to the necessary urban 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 part of the North Hillsboro Industrial Area Community Plan. The current Hillsboro Urban Service Provider Agreement, dated April 2, 2003, does not include areas within the urban growth boundary that were added to the UGB after 2002. In June and July of 2009, the City of Hillsboro and Washington County passed resolutions acknowledging commitment and consensus policies for the governance and management of existing unincorporated urbanized areas in the County (aka, "Urbanization Forum" resolutions). City of Hillsboro Resolution No. 2291 states that "all future additions to the applicable Urban Growth Boundary in Washington County during and after 2010 must be governed and urbanized by the interested City" and that "in this context, 'urbanized' means that the interested City has planning responsibility under state law, and land use decision making authority with respect to the subject territory." The area being annexed is within an unincorporated area designated as "urban" by the Washington County comprehensive plan and its annexation will implement and be in conformance with the referenced City and County resolutions. The proposed annexation is also required by Hillsboro as part of a land use application. The inclusion of the property within the Metro District is consistent with all applicable plans.

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 29.17 acres to the Metro District. The land is currently within the UGB in unincorporated Washington County. Approval of this request will allow for the urbanization of the parcel to occur consistent with the North Hillsboro Industrial Area Community 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

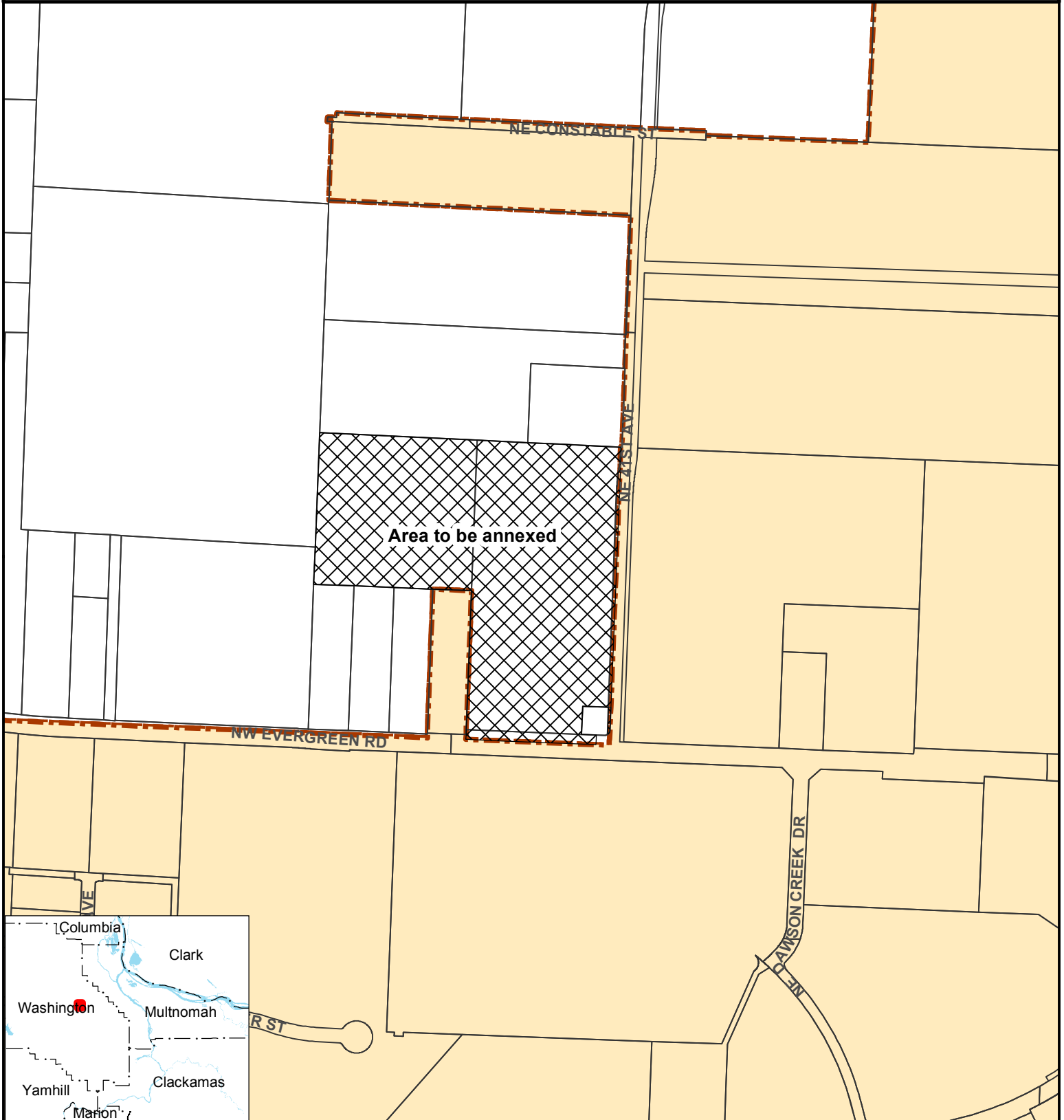
Staff recommends adoption of Ordinance No. 16-1379.

Proposal No. AN-0616





2N2W21

Annexation to the Metro District Boundary

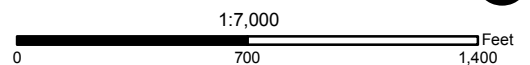
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Proposal No. AN-0616 Metro District Boundary



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Materials following this page were distributed at the meeting.



METRO COUNCIL MEETING

Meeting Minutes

August 11, 2016

Metro Regional Center, Council Chamber

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

Councilors Excused: Council President Tom Hughes

1. CALL TO ORDER AND ROLL CALL

Deputy Council President Craig Dirksen called the regular Council meeting to order at 2:01 pm.

2. CITIZEN COMMUNICATION

There was none.

3. CONSENT AGENDA

Motion:	Councilor Kathryn Harrington moved to adopt items on the consent agenda.
Second:	Councilor Sam Chase seconded the motion.

Vote:	Deputy Council President Dirksen, and Councilors Craddick, Chase, Collette, Harrington, and Stacey voted in support of the motion. The vote was 6 ayes, the motion <u>passed</u> .
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4. ORDINANCES (FIRST READ)

4.1 **Ordinance No. 16-1378**, For the Purpose of Annexing to the Metro District Boundary Approximately 27.25 Acres Located in the River Terrace Area of Tigard and 17.27 Acres Located in the North Bethany Area of Washington County

Metro Attorney Alison Kean and Deputy Council President Dirksen read the requirements on holding a quasi-judicial hearing, and Deputy Council President Dirksen introduced Metro staff, Mr. Tim O'Brien, to provide a brief staff report. Mr. O'Brien provided a brief report regarding the annexation request, explained the criteria required and that the request did meet the required criteria for annexation into the Metro district boundary. Mr. O'Brien informed the Metro Council that to date two-thirds of the River Terrace area and eighty percent of the North Bethany area had been added to the Metro district boundary.

Council discussion:

Councilor Harrington noted the curved nature of the area to be annexed and asked how it was defined. Mr. O'Brien responded that it was related to zoning in the area.

Deputy Council President Dirksen opened a public hearing on Ordinance No. 16-1378 and requested that those wishing to testify come forward to speak. Seeing none, Deputy Council President Dirksen gaveled out of the public hearing. He noted that second read, Council consideration, and vote on Ordinance No. 16-1378 would take place on Thursday, September 1.

4.2 Ordinance No. 16-1379, For the Purpose of Annexing to the Metro District Boundary Approximately 29.17 Acres Located at 25505 and 25805 NW Evergreen Road in Hillsboro

Metro Attorney Alison Kean and Deputy Council President Dirksen read the requirements on holding a quasi-judicial hearing, and Deputy Council President Dirksen introduced Metro staff, Mr. Tim O'Brien, to provide a brief staff report. Mr. O'Brien provided a brief report regarding the annexation request, explained the criteria required and that the request did meet the required criteria for annexation into the Metro district boundary.

Council discussion:

Councilor Stacey asked if the area to be annexed was part of the target area that had been designated for large site industrial lands. Mr. O'Brien responded that it was not. Councilor Harrington asked about a site not included in the area to be annexed. Mr. O'Brien clarified that it was a telecommunications facility. Councilors discussed how to potentially acquire land surrounded by annexed Metro property.

Deputy Council President Dirksen opened a public hearing on Ordinance No. 16-1379 and requested that those wishing to testify come forward to speak. Seeing none, Deputy Council President Dirksen gaveled out of the public hearing. He noted that second read, Council consideration, and vote on Ordinance No. 16-1379 would take place on Thursday, September 1.

5. CHIEF OPERATING OFFICER COMMUNICATION

Chief Operating Officer Pro Tem, Mr. Tim Collier, provided an update on the following events or items: the GLEAN opening reception on August 11, an open house on August 15 focused on the proposals for inner Southeast Division Street as part of the Powell-Division Transit and Development Project, and a lunch and learn event with Chelsea Catto of CASA of Oregon focused on manufactured home parks, scheduled for August 23.

6. COUNCILOR COMMUNICATION

Councilors provided updates on the following meetings or events: the Transit-Oriented Development Steering Committee's work on the Furniture Store at SE 82nd Avenue and Division Street, the Joint Policy Advisory Committee on Transportation (JPACT) Finance Subcommittee held on August 11, and the arrival of Nora the polar bear from the Columbus Zoo.

7. ADJOURN

There being no further business, Deputy Council President Dirksen adjourned the regular meeting at 2:34 p.m. The Metro Council will convene at the next regular council meeting on Thursday, September 1, 2016 at 2 p.m. in the council chamber at the Metro Regional Center.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Nellie Papsdorf".

Nellie Papsdorf, Interim Regional Engagement and Legislative Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF AUGUST 11, 2016

Item	Topic	Doc. Date	Document Description	Doc. Number
3.1	Minutes	08/11/2016	Council Meeting Minutes from July 28, 2016	081116c-01