

## Council meeting agenda

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Thursday, June 22, 2017

2:00 PM

Metro Regional Center, Council chamber

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### AGENDA REVISED 06/21/17

**1. Call to Order and Roll Call**

**2. Citizen Communication**

**3. Consent Agenda**

- 3.1 Consideration of the Council Meeting Minutes for June 15, 2017 [17-4830](#)

- 3.2 Resolution No. 17-4788, For the Purpose of Approving Members to the Natural Areas and Capital Program Performance Oversight Committee [RES 17-4788](#)

Attachments: [Resolution No. 17-4788](#)  
[Exhibit A to Resolution No. 17-4788](#)  
[Staff Report](#)

**4. Resolutions**

- 4.1 Resolution No. 17-4818, For the Purpose of Endorsing 2017 State Transportation Legislation [RES 17-4818](#)

Presenter(s): Andy Shaw, Metro

Attachments: [Resolution No. 17-4818](#)  
[Staff Report](#)

- 4.2 Resolution No. 17-4820, For the Purpose of Authorizing the Execution of an Intergovernmental Agreement with Clackamas County and the Cities of West Linn, Lake Oswego and Tualatin Regarding the Stafford Urban Reserve Areas [RES 17-4820](#)

Presenter(s): Roger Alfred, Metro

Attachments: [Resolution No. 17-4820](#)  
[Exhibit A to Resolution No. 17-4820](#)

- 4.3 Resolution No. 17-4801, For the Purpose of Amending the FY 2016-17 Budget and Appropriations Schedule and FY 2016-17 Through FY 2020-21 Capital Improvement Plan to Provide for a Change in Operations [RES 17-4801](#)

Presenter(s): Tim Collier, Metro  
Lisa Houghton, Metro

Attachments: [Resolution No. 17-4801](#)  
[Exhibit A to Resolution No. 17-4801](#)  
[Exhibit B to Resolution No. 17-4801](#)  
[Staff Report](#)  
[Attachments 1-3 to Staff Report](#)

- 4.4 Resolution No. 17-4799, For the Purpose of Adopting the Capital Improvement Plan for Fiscal Years 2017-18 Through 2021-22, Approving the Metropolitan Tourism Opportunity Competitiveness Account Projects and Re-adopting Metro's Financial Policies [RES 17-4799](#)

Presenter(s): Tim Collier, Metro

Attachments: [Resolution No. 17-4799](#)  
[Exhibit A to Resolution No. 17-4799](#)  
[Exhibit B to Resolution No. 17-4799](#)  
[Staff Report](#)

- 4.5 Resolution No. 17-4769B, For the Purpose of Adopting the Annual Budget for Fiscal Year 2017-18, Making Appropriations and Levying Ad Valorem Taxes [RES 17-4769](#)

Attachments: [Resolution No. 17-4769B](#)  
[Exhibits A-C to Resolution No. 17-4769B](#)  
[Staff Report](#)

- 4.5.1 Public Hearing on Resolution No. 17-4769B

## 5. Ordinances (Second Reading)

- 5.1 Ordinance No. 17-1399, For the Purpose of Amending Metro Code Chapter 2.19 and Establishing the Natural Areas and Capital Program Performance Oversight Committee

[ORD 17-1399](#)

Presenter(s): Heather Nelson Kent, Metro

Attachments: [Ordinance No. 17-1399](#)  
[Exhibit A to Ordinance No. 17-1399](#)  
[Staff Report](#)

6. **Chief Operating Officer Communication**
7. **Councilor Communication**
8. **Adjourn**

## Metro respects civil rights

Metro fully complies with Title VI of the Civil Rights Act of 1964 and related statutes that ban discrimination. If any person believes they have been discriminated against regarding the receipt of benefits or services because of race, color, national origin, sex, age or disability, they have the right to file a complaint with Metro. For information on Metro's civil rights program, or to obtain a discrimination complaint form, visit [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights) or call 503-797-1536. Metro provides services or accommodations upon request to persons with disabilities and people who need an interpreter at public meetings. If you need a sign language interpreter, communication aid or language assistance, call 503-797-1700 or TDD/TTY 503-797-1804 (8 a.m. to 5 p.m. weekdays) 5 business days before the meeting. All Metro meetings are wheelchair accessible. For up-to-date public transportation information, visit TriMet's website at [www.trimet.org](http://www.trimet.org).

### Thông báo về sự Metro không kỳ thị của

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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](http://www.oregonmetro.gov/civilrights). або Якщо вам потрібен перекладач на зборах, для задоволення вашого запиту зателефонуйте за номером 503-797-1700 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](http://www.oregonmetro.gov/civilrights). Haddii aad u baahan tahay turjubaan si aad uga qaybqaadatid kullanka dadweynaha, wac 503-797-1700 (8 gallinka hore illaa 5 gallinka dambe maalmaha shaqada) shan maalmo shaqo ka hor kullanka si loo tixgaliyo codsashadaada.

### Metro의 차별 금지 관련 통지서

Metro의 시민권 프로그램에 대한 정보 또는 차별 항의서 양식을 얻으려면, 또는 차별에 대한 불만을 신고 할 수 [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). 당신의 언어 지원이 필요한 경우, 회의에 앞서 5 영업일 (오후 5시 주중에 오전 8시) 503-797-1700를 호출합니다.

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### សេចក្តីជូនដំណឹងអំពីការមិនរើសអើងរបស់ Metro

ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានកាតបណ្តឹងរើសអើងសូមចូលទស្សនាការបោះពុម្ព [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights)។ បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក ។

### إشعار بعدم التمييز من Metro

تحتزم Metro الحقوق المدنية. للمزيد من المعلومات حول برنامج Metro للحقوق المدنية أو لإيداع شكوى ضد التمييز، يُرجى زيارة الموقع الإلكتروني [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). إن كنت بحاجة إلى مساعدة في اللغة، يجب عليك الاتصال مقدماً برقم الهاتف 503-797-1700 (من الساعة 8 صباحاً حتى الساعة 5 مساءً، أيام الاثنين إلى الجمعة) قبل خمسة (5) أيام عمل من موعد الاجتماع.

### Paunawa ng Metro sa kawalan ng diskriminasyon

Iginagalang ng Metro ang mga karapatang sibil. Para sa impormasyon tungkol sa programa ng Metro sa mga karapatang sibil, o upang makakuha ng porma ng reklamo sa diskriminasyon, bisitahin ang [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). Kung kailangan ninyo ng interpreter ng wika sa isang pampublikong pulong, tumawag sa 503-797-1700 (8 a.m. hanggang 5 p.m. Lunes hanggang Biyernes) lima araw ng trabaho bago ang pulong upang mapagbigyan ang inyong kahilingan.

### Notificación de no discriminación de Metro

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](http://www.oregonmetro.gov/civilrights). Si necesita asistencia con el idioma, llame al 503-797-1700 (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](http://www.oregonmetro.gov/civilrights). Если вам нужен переводчик на общественном собрании, оставьте свой запрос, позвонив по номеру 503-797-1700 в рабочие дни с 8:00 до 17:00 и за пять рабочих дней до даты собрания.

### Avizul Metro privind nediscriminare

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](http://www.oregonmetro.gov/civilrights). Dacă aveți nevoie de un interpret de limbă la o ședință publică, sunați la 503-797-1700 (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 ntuxub 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](http://www.oregonmetro.gov/civilrights). Yog hais tias koj xav tau lus kev pab, hu rau 503-797-1700 (8 teev sawv ntov txog 5 teev tsaus ntuj weekdays) 5 hnub ua hauj lwu ua ntej ntawm lub rooj sib tham.



**Television schedule for Metro Council meetings**

<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.
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**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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- 5.1 Ordinance No. 17-1399, For the Purpose of Amending  
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Areas and Capital Program Performance Oversight  
Committee

[ORD 17-1399](#)

Presenter(s): Heather Nelson Kent, Metro

Attachments: [Ordinance No. 17-1399](#)  
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6. **Chief Operating Officer Communication**
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ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានកាតបណ្តឹងរើសអើងសូមចូលទស្សនាគេហទំព័រ [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights)។ បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ ថ្ងៃធ្វើការ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក ។

### إشعار بعدم التمييز من Metro

تحتزم Metro الحقوق المدنية. للمزيد من المعلومات حول برنامج Metro للحقوق المدنية أو لإيداع شكوى ضد التمييز، يُرجى زيارة الموقع الإلكتروني [www.oregonmetro.gov/civilrights](http://www.oregonmetro.gov/civilrights). إن كنت بحاجة إلى مساعدة في اللغة، يجب عليك الاتصال مقدماً برقم الهاتف 503-797-1700 (من الساعة 8 صباحاً حتى الساعة 5 مساءً، أيام الاثنين إلى الجمعة) قبل خمسة (5) أيام عمل من موعد الاجتماع.

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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](http://www.oregonmetro.gov/civilrights). Yog hais tias koj xav tau lus kev pab, hu rau 503-797-1700 (8 teev sawn ntxov txog 5 teev tsaus ntuj weekdays) 5 hnub ua hauj lwm ua ntej ntawm lub rooj sib tham.

**Television schedule for Metro Council meetings**

<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.



Agenda Item No. 3.1

Consideration of the Council Meeting Minutes for  
June 15, 2017  
*Consent Agenda*

Metro Council Meeting  
Thursday, June 22, 2017  
Metro Regional Center, Council Chamber

Agenda Item No. 3.2

**Resolution No. 17-4788**, For the Purpose of Approving  
Members to the Natural Areas and Capital Program  
Performance Oversight Committee

*Consent Agenda*

Metro Council Meeting  
Thursday, June 22, 2017  
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE	)	RESOLUTION NO. 17-4788
APPOINTMENT OF MEMBERS TO THE	)	
NATURAL AREAS AND CAPITAL PROGRAM	)	Introduced by Chief Operating Officer Martha
PERFORMANCE OVERSIGHT COMMITTEE	)	Bennett in concurrence with Council
	)	President Tom Hughes

WHEREAS, Metro Code Chapter 2.19 establishes the Parks and Nature Capital Program Performance Oversight Committee (the “Committee”), expanding the responsibilities of the prior Natural Area Program Performance Oversight Committee to include not only oversight of the Natural Areas acquisition program but also oversight of capital projects funded by Metro’s 2016 voter-approved local option levy; and

WHEREAS, prior committee members have expressed their willingness to serve on the new Committee with its expanded charge given by the Metro Council via Ordinance No. 17-1399; and

WHEREAS, the Council President has appointed the members of the Committee listed on the attached Exhibit “A,” including the designated chair, for the length of terms set forth on the attached Exhibit “A”; and

WHEREAS, the Council desires to confirm these appointments; now therefore,

BE IT RESOLVED that the Metro Council confirms the appointments to the Natural Areas and Capital Program Performance Oversight Committee as set forth in Exhibit “A” attached hereto.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Tom Hughes, Council President

Approved as to Form:

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Alison R. Kean, Metro Attorney

**Exhibit A to Resolution No. 17- 4788**

**Natural Areas and Capital Program  
Performance Oversight  
Committee**

The following people were appointed to the previous oversight committee with a term expiring June 30, 2016. They are appointed to the new oversight committee for an additional two-year term expiring June 30, 2019:

Dean Alternman  
Drake Butch  
Bill Drew  
Walter McMonies  
Rick Mishaga  
Peter D. Mohr, committee chair

The following people were appointed to the previous oversight committee with a term expiring June 30, 2018. They are appointed to the new oversight committee with a term expiring June 30, 2018 (and are eligible thereafter to serve up to two additional two year terms):

Mark Aasland  
Kelsey Cardwell  
Derek Johnson

The following people are new to this oversight committee and are appointed for a two-year term that expires June 30, 2019 (and are eligible thereafter to serve up to two additional two year terms):

Jon Horne  
Shannon Shoul  
Lindsay B. Smith  
Fritz Paulus

## **STAFF REPORT**

### **IN CONSIDERATION OF RESOLUTION NO. 17- 4788 FOR THE PURPOSE OF CONFIRMING THE APPOINTMENT OF MEMBERS TO THE NATURAL AREAS AND CAPITAL PROGRAM PERFORMANCE OVERSIGHT COMMITTEE**

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Date: June 9, 2017

Prepared by: Heather Nelson Kent

## **BACKGROUND**

In 2006, Portland-area voters approved a \$227.4 million bond measure to acquire and preserve natural areas throughout the region to safeguard water quality, protect fish and wildlife habitat and ensure access to nature. The bond measure seeks to achieve these goals through the funding of Metro's Natural Areas Program.

The bond measure requires an independent review of the program. To fulfill this requirement, each year the former Natural Areas Program Performance Oversight Committee evaluated and reported on the program's structure, management, expenditures, personnel and progress toward the bond measures' defined goals.

Composed of residents from throughout the region, the committee has included members from the finance, accounting, real estate, land use, banking, philanthropy and conservation sector. The committee was charged with providing the Metro Council and residents of the region an independent, outside review of the program in order to help Metro achieve the best results for clean water, fish and wildlife and future generations.

The Metro Council included a requirement in the local option levy approved by voters in 2016 to provide similar oversight of capital projects funded by the levy renewal (covering years 2018-2023) and improve Metro's accountability. In June 2017, the Metro Council updated the Metro Code to create a new committee that could fulfill the requirements both of the Natural Areas bond and the 2016 levy, named the Natural Areas and Capital Program Performance Oversight Committee.

The purpose of the Natural Areas and Capital Program Performance Oversight Committee (committee) is to ensure transparency and build public trust in Metro's role operating and managing a system of parks, trails and natural areas. Specifically, the committee will review program performance and report to the Metro Council regarding progress in implementing the strategies, goals and objectives approved by the Metro Council in the 2006 Natural Areas bond measure as well as review performance and report to the Metro Council on capital projects funded by the local option levy approved by voters in November 2016. The committee may make recommendations regarding the Natural Areas Implementation Work Plan to improve program efficiency, administration and performance.

The Committee will be comprised of some returning members as well as new members. Metro staff will continue to assist the new committee as necessary throughout the life of the Natural Areas Program and the 2016 local option levy. Staff performs such duties as making technical presentations and preparing reports to the committee, as well as coordinating and staffing meetings. Staff also supports the committee's work to draft the report presented to the Metro Council annually.

## **ANALYSIS/INFORMATION**

### **1. Known Opposition**

None.

### **2. Legal Antecedents**

Metro Resolution No. 06-3672B, For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection, approved March 9, 2006.

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

Ordinance No. 07-1155A, Amending Metro Code Chapter 2.19 to establish the Natural Areas Program Performance Oversight Committee, and declaring an emergency, adopted May 31, 2007

Ordinance No. 17-1399, Amending Metro Code Chapter 2.19 and establishing the Parks and Nature Capital Program Performance Oversight Committee. Scheduled to be adopted on June 22, 2017.

### **3. Anticipated Effects**

By approving Resolution No. 17-4788, the Metro Council will appoint members of the new Natural Areas and Capital Program Performance Oversight Committee, providing the independent oversight required by Metro-area voters. To provide some continuity, this resolution reappoints several members of the former Natural Areas Program Performance Oversight Committee to an additional two-year term on the new committee and returns the previous committee chair for an additional two-year term. New members are appointed to up to three, two-year terms, as provided by Metro Code. All committee members will participate in conducting the required annual review of the capital program for the public and help ensure that the funds voters have authorized fulfill the Metro's Council's commitments and provide the greatest possible benefit to the region.



#### **4. Budget Impacts**

Staff time to provide information to the committee and prepare reports and notification to the public.

#### **RECOMMENDED ACTION**

The Council President recommends adoption of Resolution No. 17-4788.

Agenda Item No. 4.1

**Resolution No. 17-4818**, For the Purpose of Endorsing  
2017 State Transportation Legislation

*Resolutions*

Metro Council Meeting  
Thursday, June 22, 2017  
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENDORSING 2017 ) RESOLUTION NO. 17-4818  
STATE TRANSPORTATION LEGISLATION )  
) Introduced by Councilor Craig Dirksen,  
JPACT Chair

WHEREAS, the governments of the Portland metropolitan region recognize the importance of investing strategically in public infrastructure, particularly transportation infrastructure, as a way to support private investment, economic prosperity, livability and environmental sustainability; and

WHEREAS, transportation investments that support private investment, job creation and long-term economic prosperity also bring increased revenues to local and state government budgets; and

WHEREAS, our region has a track record of working together to creatively finance forward-looking transportation investments that address the needs of both the present and the future, and of combining smart investment with policy innovations that support good jobs, livable communities and a sustainable environment; and

WHEREAS, a combination of locational advantages, careful planning and strategic investments supported by local, regional, state and federal resources and partnerships has helped to make this region globally competitive, the economic engine of the state of Oregon and an example to the nation; and

WHEREAS, the region's continuing economic success has created new challenges in the form of congestion, air quality and safety concerns; and

WHEREAS, the region has identified the top transportation priorities across all modes and invested regional funds to develop a bundle of projects that aim to relieve congestion for Oregon's economy, even as state and federal funds have continued to decline; and

WHEREAS, the Climate Smart Strategy has demonstrated that with an increase in transportation funding for all modes, this region can accomplish its many goals for safety, economic prosperity, livability, social equity and environmental protection while reducing per capita greenhouse gas emissions from light-duty vehicles as directed by the Oregon Legislature; and

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) recommended adoption on February 16, 2017, and the Metro Council adopted on March 2, 2017, Resolution 17-4772 for the purpose of endorsing regional funding and policy priorities for 2017 state transportation legislation; and

WHEREAS, Resolution 17-4772 recommended adoption of a legislative funding package based on the following principles: Fix It First, Address Metropolitan Area Congestion, Invest in Multi-Modal Solutions for Congestion Relief, Prioritize Transit, Improve Regional Air Quality, and Support and Expand Local Options; and

WHEREAS, the Oregon Legislature has been working for over a year to develop a transportation package of sufficient scale to match the need that has been identified by the Governor's Transportation Vision Panel, the Oregon Transportation Commission, and local and regional governments around the state; and

WHEREAS, on May 31, 2017, the Legislature's Joint Committee on Transportation Preservation and Modernization released a draft of House Bill 2017, which, if enacted, would constitute the most ambitious transportation funding package in Oregon history; and

WHEREAS, a key element of the draft is a proposed structure for a joint regional-state effort to fund highway improvements to address key bottlenecks in the Portland region; and

WHEREAS, to fund these and other improvements, in addition to gas taxes and vehicle registration fees imposed statewide, additional taxes and fees would be imposed only in the Portland metropolitan region and spent on projects to relieve congestion in the region; and

WHEREAS, these state and regional taxes and fees would be phased in over the coming decade; and

WHEREAS, the proposed state and regional gas tax increases could total 23 cents per gallon at full implementation in 2026; and

WHEREAS, state and regional vehicle registration fees could increase by a total of \$45 or more at full implementation in 2026; and

WHEREAS, to provide increased ongoing funding for transit operations around the state, the draft proposes a new employee payroll tax of one-tenth of one percent; and

WHEREAS, the proposed package also contains other elements that reflect the region's priorities as expressed in Resolution 17-4772, including critical ongoing funding for basic road maintenance, multimodal freight investments, active transportation and Safe Routes to Schools; and

WHEREAS, the proposed package also includes elements that would advance innovative approaches like jurisdictional transfer, congestion pricing and variable tolling; now, therefore

BE IT RESOLVED:

1. That the Metro Council and JPACT endorse the direction and scope of the Legislature's proposed transportation funding package; and
2. That the Metro Council and JPACT pledge to take action in conjunction with the Legislature to enact a transportation package that meets the needs of the people and communities of our region and our state.

ADOPTED by the Metro Council this \_\_\_\_\_ day of June 2017.

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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. 17-4818, FOR THE PURPOSE OF ENDORISING 2017 STATE TRANSPORTATION LEGISLATION

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Date: June 8, 2017

Prepared by: Randy Tucker

## BACKGROUND

For many years, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council have adopted an agenda prior to each legislative session that lays out a set of principles, and urges the Oregon Legislature to enact certain measures, with respect to transportation policy and funding. On February 16, 2017, JPACT passed Resolution 17-4772, which articulated the following set of principles for 2017 transportation legislation, as well as specific desired actions associated with each principle:

1. **Fix It First**
2. **Address Metropolitan Area Congestion**
3. **Invest in Multi-Modal Solutions for Congestion Relief**
4. **Prioritize Transit**
5. **Improve Regional Air Quality**
6. **Support and Expand Local Options**

The Metro Council adopted Resolution 17-4772 on March 2.

Late in the 2016 legislative session, leadership of the Oregon House and Senate created the Joint Committee on Transportation Preservation and Modernization. This committee embarked on a significant work program that involved, among other things, holding public hearings in many areas of the state during the legislative interim and chartering a number of work groups to develop specific provisions of a package. Regional lobbyists have worked closely with legislators on certain elements, notably a “regional surcharge” of additional taxes and fees that would apply, and be spent, only in the Portland region. Proposed language for a bill, appropriately numbered House Bill 2017, was released on May 31.

The draft package, if enacted, would represent the most ambitious transportation funding effort in Oregon history. By January 1, 2026, it would raise the state gas tax by 14 cents/gallon and the state vehicle registration fee by at least \$30/year (the bill includes a sliding scale of registration fees based on vehicle fuel efficiency, with more efficient vehicles paying a higher fee to offset their lower contribution of gas tax revenues). A new Metro Congestion Relief District (MCRD) would have the authority to raise gas taxes an additional 9 cents and registration fees an additional \$15 in the Portland metropolitan region. Surcharge revenues would be matched with state funds to address three key freeway bottlenecks in the region, with any additional surcharge dollars to be allocated by the MCRD to other regional projects.

The draft package also contains many other elements, including a new employee payroll tax to support transit operations statewide on an ongoing basis; a new “privilege tax” on vehicle sales to provide ongoing funding to support the ConnectOregon program of capital investments in air, marine, rail, bicycle and pedestrian facilities; and new revenue to address a statewide backlog of road maintenance.

While it does not address every element of the region’s agenda, the proposed package nevertheless represents a bold statement by the Legislature’s transportation leaders. Precisely because the package is so bold and entails significant political risk for legislators, it is important that the region make its own strong and specific statement of support.

## **ANALYSIS/INFORMATION**

1. **Known Opposition:** none
2. **Legal Antecedents:** Resolution 17-4772, For the Purpose of Endorsing Regional Policy and Funding Priorities for 2017 State Transportation Legislation
3. **Anticipated Effects:** Express regional support for a transportation policy and funding package being developed by the Oregon Legislature
4. **Budget Impacts:** None

## **RECOMMENDED ACTION**

Staff recommends approval of Resolution No. 17-4818.



**Resolution No. 17-4820**, For the Purpose of Authorizing  
the Execution of an Intergovernmental Agreement with  
Clackamas County and the Cities of West Linn, Tigard and  
Tualatin Regarding the Stafford Urban Reserve Areas

*Resolutions*

Metro Council Meeting  
Thursday, June 22, 2017  
Metro Regional Center, Council  
Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE	)	RESOLUTION NO. 17-4820
EXECUTION OF AN INTER-GOVERNMENTAL	)	
AGREEMENT WITH CLACKAMAS COUNTY AND	)	Introduced by Chief Operating Officer
THE CITIES OF WEST LINN, LAKE OSWEGO	)	Martha Bennett with the Concurrence of
AND TUALATIN REGARDING THE STAFFORD	)	Council President Tom Hughes
URBAN RESERVE AREAS	)	

WHEREAS, in 2014 the Oregon Court of Appeals remanded the Land Conservation and Development Commission (LCDC) acknowledgment order that approved urban and rural reserves in the Metro region; and

WHEREAS, Metro and Clackamas County have been working together to respond to the issues identified by the Court of Appeals and to finalize the designation of urban and rural reserves by adopting findings in support of the decisions and agreements that were made in 2010 by and among Metro, Clackamas County and Multnomah County; and

WHEREAS, the Cities of West Linn, Lake Oswego, and Tualatin (collectively the "Cities") have long opposed the designation of Metro reserve study areas 4A, 4B, 4C and 4D ("Stafford") as urban reserve; and

WHEREAS, Metro and the Cities recognize that resolving the dispute over the designation of Stafford as urban reserve will enable the parties to focus collaboratively on planning for and providing urban services and prioritizing needed regional improvements to the transportation system in the Stafford area; and

WHEREAS, in 2016 the Metro Council addressed the remand issues arising out of Clackamas County via Ordinance No. 16-1368, which adopted findings concluding that Stafford was correctly designated as urban reserve; and

WHEREAS, on May 23, 2017 the Clackamas County Board of Commissioners adopted Ordinance No. 06-2017, which includes supplemental findings and conclusions explaining why Stafford was designated as urban reserve under the applicable factors; and

WHEREAS, on June 15, 2017 the Metro Council adopted Ordinance No. 17-1405, which incorporates the findings adopted by Clackamas County and Multnomah County into a single joint set of findings and conclusions explaining why areas in each county were chosen as urban and rural reserves under the applicable factors; and

WHEREAS, in exchange for agreement by Metro regarding a coordinated local process for the future urbanization of Stafford, the Cities have agreed not to challenge the designation of Stafford as urban reserve through further appeals to LCDC or the Court of Appeals; and

WHEREAS, Metro, the Cities and Clackamas County wish to memorialize their agreement in writing; now therefore

BE IT RESOLVED that:

1. The Metro Council hereby endorses the Intergovernmental Agreement attached as Exhibit A and authorizes the Council President to execute that Agreement on behalf of the Council.

ADOPTED by the Metro Council this 22<sup>nd</sup> day of June 2017

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Tom Hughes, Council President

Approved as to form:

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Alison R. Kean, Metro Attorney

## **Exhibit A to Resolution No. 17-4820**

### **INTERGOVERNMENTAL AGREEMENT STAFFORD URBAN RESERVE AREAS**

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made this \_\_\_\_ day of June 2017, by Clackamas County ("County"), Metro, the City of Lake Oswego, the City of Tualatin, and the City of West Linn (individually a "City", collectively the "Cities") (together the "Parties"). This is an addendum to the Intergovernmental Agreement between Metro and Clackamas County To Adopt Urban and Rural Reserves entered into pursuant to ORS 195.141 and ORS 190.010 to 190.110 and dated March 3, 2010 ("Reserves IGA").

#### **RECITALS**

1. The Metro Council and the Clackamas County Commission are working together to finalize the designation of urban and rural reserves by adopting findings in support of the decisions made by Metro, Clackamas County, Multnomah County, and Washington County in 2010;
2. Under state law, Metro and the three counties in the region are tasked with identifying those areas adjacent to the existing urban growth boundary (UGB) that are best suited for providing land to accommodate urban growth in the region over the next 40 to 50 years;
3. The Cities have long opposed the designation of Metro study areas 4A, 4B, 4C and 4D ("Stafford") as urban reserve because of concerns with regard to efficient use of existing and currently planned future public infrastructure investments and whether urban level public services can be efficiently and cost-effectively provided by appropriate and financially capable service providers;
4. The Parties recognize that resolving the dispute over the designation of Stafford will enable the parties to focus collaboratively on planning for and providing urban services and prioritizing the needed regional improvements to the transportation system, such as the widening of I-205 from Oregon City to Stafford Road;
5. The Parties enter into this IGA in order to alleviate the concerns of the Cities and better support the designation of Stafford under the Factors by ensuring an orderly process for any urbanization of Stafford where the Cities will have control over the planning, process and timing for the urbanization of Stafford, that the Parties will coordinate with one another and with any affected special districts serving Stafford on the effective date of this Agreement, and that Stafford will not be urbanized before appropriate urban services will be available; and
6. The Parties also desire to recognize that the Stafford Hamlet and surrounding area is a unique enclave in Clackamas County that has a long standing agricultural heritage, significant environmental assets, and valued open space that should be preserved through the concept planning process;

NOW, THEREFORE, it is mutually agreed that the Parties voluntarily enter into this Intergovernmental Agreement addressing issues and concerns raised by the Cities regarding the designation of Stafford as an urban reserve. Specifically, the Parties agree as follows:

1. **City Governance.** The Parties agree that Stafford will be governed by one or more of the Cities upon expansion of the urban growth boundary and annexation. The governing City will have the authority to decide what land uses should be planned for, and when and how municipal services will be provided. Notwithstanding anything to the contrary in the Reserves IGA, Exhibit B, Section 4, or Metro Code Sections 3.07.1105 to 3.07.1130 ("Title 11"), Metro and the County will oppose any future effort to incorporate a new city. Metro and the County will similarly oppose creation of any service district to provide water or sanitary sewer services in Stafford outside of a city, unless there is no practicable alternative to creation or expansion of a sewer district in order to remediate a health hazard created by development in existence on the effective date of this IGA.
2. **Completion of a City Concept Plan.**
  - a. The Parties recognize that the Cities will be the public bodies that have the responsibility to plan for any future urbanization of Stafford and that the urbanization of Stafford will only occur upon annexation to one or more of the Cities. Prior to adding any part of Stafford to the UGB, the City that will be responsible for annexing that part of Stafford must first have developed a concept plan for the area describing how the area will be planned and developed after inclusion in the UGB. The timing for commencement and completion of a concept plan will be up to the City.
  - b. The Cities will coordinate concept planning with one another and with the County and special districts serving Stafford on the effective date of this Agreement to determine which City or special district is the appropriate urban services provider for each part of Stafford. The Parties agree to develop a preliminary concept plan to address transportation, density, community character, and infrastructure issues to help ensure that future, more detailed sub-area "concept plans" can be developed and coordinated. The parties agree to participate in good faith in future planning efforts for Stafford, in coordination with each other, and with other public, private, and community stakeholders.
  - c. Each governing City will be responsible for determining the pace and timing of future development within an area to be incorporated into the UGB. The form and character of development will be determined through the concept planning process under Title 11 and Section 2 of this Agreement, and will be consistent with community values and environmental requirements.
  - d. The County shall not amend the Comprehensive Plan or Zoning and Development Ordinance or the Comprehensive Plan Map or zoning designations:

- i. To allow within Urban Reserve areas, new uses that were not allowed on the date the Urban Reserve areas were designated, except those uses mandated by amendments to the Oregon Revised Statutes or Oregon Administrative Rules enacted after designation of Urban Reserves.
    - ii. To allow within Urban Reserve areas, the creation of new lots or parcels smaller than allowed on the date Urban Reserve areas were designated, except as mandated by amendments to the Oregon Revised Statutes or Oregon Administrative Rules enacted after designation of Urban Reserves. The purpose of the designation is to preserve lands for potential future urban development, not to facilitate or expedite their development under County zoning.
  - e. Notwithstanding anything to the contrary in Metro Code 3.07.1110(d), Metro agrees that the concept plan or plans developed pursuant to Section 2 of this Agreement will be used to designate 2040 design types for Stafford and to develop conditions in the Metro ordinance that adds any Stafford territory to the UGB. The Parties agree that the concept plans will govern amendments to the Cities and County comprehensive plans and land use regulations following addition of the area to the UGB.
3. **Citizen Involvement.** The Parties agree that future decision-making regarding the timing and content of concept planning and the expansion of the UGB must involve the participation of citizens from the Stafford community, as well as other stakeholders, and will take into account public testimony about desired community character, preservation of natural features, and other community concerns when developing the concept plans.
  4. **Urban Services Agreements.** At such point in time that any portion of Stafford is included within the UGB, the City that is responsible for urbanization of that area will negotiate and enter into an urban services agreement pursuant to ORS 195.065 with any special district that is providing services to that area of Stafford on the effective date of this Agreement or that may be created thereafter pursuant to Section 1 of this Agreement.
  5. **Grant Funding for Transportation Planning.** Metro and the County will undertake a transportation planning project using the \$170,000 Community Planning and Development Grant from Metro to the County to study and plan for transportation and other public infrastructure conditions and needs in the Stafford area. Work on this planning project is anticipated to begin once Metro and the County have finalized the decision on urban reserves.
  6. **Support for Widening I-205.** The Parties agree to continue to support the Joint Policy Advisory Committee on Transportation's decision to make widening I-205 from Oregon City to Stafford Road a top priority for regional transportation projects



in order to help address the significant transportation infrastructure issues related to future urbanization of Stafford as well as other regional transportation needs.

7. **Transportation and Infrastructure Improvements.** Urbanization and urban development will be planned to coincide with transportation and infrastructure improvement necessary to serve such development.
8. **The Findings.** This IGA will be entered into the record of the Metro and Clackamas County proceedings on the remand of the 2010 Stafford urban reserve designation. The Metro and County remand findings will cite this IGA as evidence necessary to meet the designation requirement under ORS 195.145(5)(c) and OAR 660-027-0050(3) that the Stafford area can be served by urban level public facilities and services efficiently and cost-effectively by appropriate and financially capable service providers.
9. **No Appeal by the Cities.** In consideration for the promises and commitments made herein, the Cities agree that the Cities will not challenge the designation of Stafford as Urban Reserve either before the State of Oregon Land Conservation and Development Commission or by appeal to the Oregon Court of Appeals.
10. **Governing Law.** The laws of the State of Oregon will govern this Agreement and the Parties will submit to the jurisdiction of the courts of the State of Oregon.
11. **Amendments.** This Agreement may be amended at any time with the written consent of all Parties.
12. **Severability.** If any covenant or provision of this Agreement is adjudged void, such adjudication will not affect the validity, obligation, or performance of any other covenant or provision which in itself is valid if such remainder would then continue to conform with the terms and requirements of applicable law and the intent of this Agreement.
13. **Term.** This Agreement shall be effective upon execution by all Parties identified herein. This Agreement will terminate on the same date as the Reserves IGA, December 31, 2060, unless terminated earlier by agreement of the Parties. If during the term of this Agreement there is a change in applicable law or other circumstance that materially affects compliance with one or more provisions of this Agreement, the Parties agree to negotiate in a good faith a revision to this Agreement to address such law or circumstance in manner consistent with the intent of this Agreement.

[Signatures on Following Page]

IN WITNESS WHEREOF, each party has caused this Intergovernmental Agreement to be executed by its duly authorized representative on the date first mentioned above.

\_\_\_\_\_  
Metro Council

Dated: June \_\_\_\_, 2017

\_\_\_\_\_  
Clackamas County

Dated: June \_\_\_\_, 2017

\_\_\_\_\_  
City of Lake Oswego

Dated: June \_\_\_\_, 2017

\_\_\_\_\_  
City of Tualatin

Dated: June \_\_\_\_, 2017

\_\_\_\_\_  
City of West Linn

Dated: June \_\_\_\_, 2017

Agenda Item No. 4.4

**Resolution No. 17-4801**, For the Purpose of Amending the  
FY 2016-17 Budget and Appropriations Schedule and FY  
2016-17 Through FY 2020-21 Capital Improvement Plan to  
Provide for a Change in Operations

*Resolutions*

Metro Council Meeting  
Thursday, June 22, 2017  
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE FY 2016-17 BUDGET AND APPROPRIATIONS SCHEDULE AND FY 2016-17 THROUGH FY 2020-21 CAPITAL IMPROVEMENT PLAN TO PROVIDE FOR A CHANGE IN OPERATIONS	)	RESOLUTION NO 17-4801
	)	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 2016-17 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, 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, and

WHEREAS, ORS 294.338(2) provides for the recognition of specific purpose donations and related additional appropriations when authorized by an official resolution or ordinance of the governing body stating the need for the recognition, and

WHEREAS, ORS 294.338(2) provides for the recognition of unanticipated non-tax revenue and related additional appropriations when authorized by an official resolution or ordinance of the governing body stating the need for the recognition, now, therefore,

BE IT RESOLVED,

1. That the FY 2016-17 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 donations and reimbursements and transferring funds from contingency to provide for increased appropriations.
2. That the FY 2016-17 through FY 2020-21 Capital Improvement Plan is hereby amended accordingly.

ADOPTED by the Metro Council this 22<sup>th</sup> day of June, 2017.

---

Tom Hughes, Council President

APPROVED AS TO FORM:

---

Alison Kean, Metro Attorney

**Exhibit A**  
**Resolution No. 17-4801**

ACCT	DESCRIPTION	Current Budget	Revision	Amended Budget
<b>General Fund - Total Resources</b>				
	<b>Total Beginning Fund Balance</b>	<b>27,926,217</b>	<b>-</b>	<b>27,926,217</b>
	<b><u>Current Revenue</u></b>			
401000	Real Property Taxes-Current Yr	14,123,060	-	14,123,060
401500	Real Property Taxes-Prior Yrs	300,000	-	300,000
405000	Excise Taxes	18,275,740	-	18,275,740
405500	Construction Excise Tax	2,421,550	-	2,421,550
405600	CET Administration Fee	127,450	-	127,450
410000	Federal Grants - Direct	1,868,397	-	1,868,397
410500	Federal Grants - Indirect	5,776,710	-	5,776,710
411000	State Grants - Direct	251,259	-	251,259
412000	Local Grants - Direct	1,225,000	-	1,225,000
413500	Marine Board Fuel Tax	50,000	-	50,000
413700	Gain Share-OR Str Invest Prog	121,000	-	121,000
413900	Other Local Govt Shared Rev.	428,400	-	428,400
414000	Local Government Service Fee	14,579	-	14,579
414500	Government Contributions	7,493,988	-	7,493,988
415000	Contractor's Business License	475,000	-	475,000
416500	Boat Launch Fees	270,270	-	270,270
418000	Contract and Professional Serv	187,180	-	187,180
423000	Product Sales	16,541	-	16,541
428000	Cemetery Service Sales	124,000	-	124,000
428500	Cemetery Property Sales	220,000	-	220,000
428800	Cemetery Merchandise Sales	56,000	-	56,000
450000	Admission Fees	674,594	-	674,594
451000	Rentals - Equipment	9,730	-	9,730
452000	Rentals - Space	355,784	-	355,784
452100	Rentals - Building	623,034	-	623,034
453000	Golf Course Revenues	3,301,622	-	3,301,622
455000	Food and Beverage Service Revenue	14,292	-	14,292
459200	Commissions - Outside Catering	10,270	-	10,270
462000	Parking Fees	967,570	-	967,570
465000	Miscellaneous Charges for Svc	34,595	-	34,595
470000	Interest on Investments	200,000	-	200,000
489000	Miscellaneous Revenue	49,500	-	49,500
489100	Refunds/Reimbursements	1,294,465	-	1,294,465
489110	Damages Reimbursements	-	135,000	135,000
	<b>Total Current Revenue</b>	<b>61,361,580</b>	<b>135,000</b>	<b>61,496,580</b>
	<b>Total Interfund Transfers</b>	<b>20,711,937</b>	<b>-</b>	<b>20,711,937</b>
	<b>TOTAL RESOURCES</b>	<b>\$109,999,734</b>	<b>\$135,000</b>	<b>\$110,134,734</b>

**Exhibit A**  
**Resolution No. 17-4801**

ACCT	DESCRIPTION	Current Budget	Revision	Amended Budget
<b>General Fund - Finance and Regulatory Services</b>				
	<b>Total Personnel Services</b>	<b>4,117,209</b>	<b>-</b>	<b>4,117,209</b>
	<b><u>Materials and Services</u></b>			
520100	Office Supplies	27,948	-	27,948
521000	Subscriptions and Dues	13,901	-	13,901
521500	Maintenance and Repairs Supplies	724	-	724
524000	Contracted Professional Svcs	162,169	-	162,169
524070	Contracted Prof Svcs - Management, Consulting and Communication Services	150,000	80,000	230,000
524600	Sponsorship Expenditures	20,149	-	20,149
526000	Maintenance and Repair Services	2,458	-	2,458
528000	Other Purchased Services	108,977	-	108,977
530000	Payments to Other Agencies	472,788	-	472,788
545000	Travel	28,867	-	28,867
545500	Staff Development	31,304	-	31,304
549000	Miscellaneous Expenditures	4,273	-	4,273
	<b>Total Materials and Services</b>	<b>1,023,558</b>	<b>80,000</b>	<b>1,103,558</b>
<b>TOTAL REQUIREMENTS</b>		<b>\$5,140,767</b>	<b>\$80,000</b>	<b>\$5,220,767</b>
<b>TOTAL FTE</b>		<b>39.00</b>	<b>0.00</b>	<b>39.00</b>

**Exhibit A**  
**Resolution No. 17-4801**

ACCT	DESCRIPTION	Current Budget	Revision	Amended Budget
<b>General Fund - Parks and Nature</b>				
	<b>Total Personnel Services</b>	<b>5,800,617</b>	<b>-</b>	<b>5,800,617</b>
	<b><u>Materials and Services</u></b>			
520100	Office Supplies	49,767	-	49,767
520110	Computer Equipment	8,094	-	8,094
520120	Meetings Expenditures	12,262	-	12,262
520130	Postage	262	-	262
520500	Operating Supplies	91,881	-	91,881
520510	Operating Supplies - Small Tools, Equip	22,512	-	22,512
520550	Operating Supplies - Telecommunications	6,282	-	6,282
520580	Operating Supplies - Uniforms	5,859	-	5,859
521000	Subscriptions and Dues	4,673	-	4,673
521100	Membership and Professional Dues	2,285	-	2,285
521200	Publications and Subscriptions	1,285	-	1,285
521400	Fuels and Lubricants - General	74,556	-	74,556
521500	Maintenance and Repairs Supplies	139,157	-	139,157
522500	Retail	13,612	-	13,612
524000	Contracted Professional Svcs	721,785	135,000	856,785
524050	Contracted Prof Svcs - Advertising	85,000	-	85,000
524500	Marketing Expenditures	7,000	-	7,000
524600	Sponsorship Expenditures	16,121	-	16,121
525000	Contracted Property Services	218,781	-	218,781
525100	Utility Services	313,840	-	313,840
525500	Cleaning Services	15,997	-	15,997
526000	Maintenance and Repair Services	239,446	-	239,446
526010	Maintenance and Repair Services - Building	12,564	-	12,564
526050	Maintenance and Repair Services - Vehicles	21,988	-	21,988
526100	Capital Maintenance - CIP	10,000	-	10,000
526500	Rentals	18,336	-	18,336
528000	Other Purchased Services	47,719	-	47,719
528010	Other Purchased Services - Commissions	111,000	-	111,000
528210	Credit Card Fees	60,000	-	60,000
528400	Other Purchased Services - Printing and Graphics	183,000	-	183,000
528500	Cemetery Services Expenditures	113,603	-	113,603
529800	Glendoveer Golf Ops Contract	2,648,000	-	2,648,000
530000	Payments to Other Agencies	51,687	-	51,687
530010	License and Permit Fees	523	-	523
531000	Taxes (Non-Payroll)	167,970	-	167,970
545000	Travel	16,337	-	16,337
545500	Staff Development	54,605	-	54,605
545520	Conference Fees	3,742	-	3,742
548000	Fee Reimbursements	50,000	-	50,000
	<b>Total Materials and Services</b>	<b>5,621,531</b>	<b>135,000</b>	<b>5,756,531</b>
	<b>Total Capital Outlay</b>	<b>90,000</b>	<b>-</b>	<b>90,000</b>
<b>TOTAL REQUIREMENTS</b>		<b>\$11,512,148</b>	<b>\$135,000</b>	<b>\$11,647,148</b>
<b>TOTAL FTE</b>		<b>46.28</b>	<b>0.00</b>	<b>46.28</b>

**Exhibit A**  
**Resolution No. 17-4801**

ACCT	DESCRIPTION	Current Budget	Revision	Amended Budget
<b>General Fund - General Expenses</b>				
<hr/>				
	<b>Total Interfund Transfers</b>	<b>19,929,266</b>	<b>-</b>	<b>19,929,266</b>
	<b><u>Contingency</u></b>			
701001	Contingency - Opportunity Account	5,000	-	5,000
701002	Contingency - Operating	751,665	(80,000)	671,665
709000	Contingency - All Other	5,100,041	-	5,100,041
	<b>Total Contingency</b>	<b>5,856,706</b>	<b>(80,000)</b>	<b>5,776,706</b>
<hr/>				
	<b>Total Unappropriated Fund Balance</b>	<b>20,607,474</b>	<b>-</b>	<b>20,607,474</b>
<hr/>				
<b>TOTAL REQUIREMENTS</b>		<b>\$46,393,446</b>	<b>(\$80,000)</b>	<b>\$46,313,446</b>
		<hr/>		



**Exhibit A**  
**Resolution No. 17-4801**

ACCT	DESCRIPTION	Current Budget	Revision	Amended Budget
<b>Oregon Zoo Asset Management Fund</b>				
<b><u>Revenues</u></b>				
	<b>Total Beginning Fund Balance</b>	<b>5,600,629</b>	<b>-</b>	<b>5,600,629</b>
	<b><u>Current Revenue</u></b>			
470000	Interest on Investments	17,500	-	17,500
475500	Capital Contrib and Donations	488,000	385,334	873,334
	<b>Total Current Revenue</b>	<b>505,500</b>	<b>385,334</b>	<b>890,834</b>
	<b>Total Interfund Transfers</b>	<b>1,047,308</b>	<b>-</b>	<b>1,047,308</b>
<b>TOTAL RESOURCES</b>		<b>\$7,153,437</b>	<b>\$385,334</b>	<b>\$7,538,771</b>
<b><u>Expenditures</u></b>				
	<b><u>Materials and Services</u></b>			
526100	Capital Maintenance - CIP	128,883	-	128,883
	<b>Total Materials and Services</b>	<b>128,883</b>	<b>-</b>	<b>128,883</b>
	<b><u>Capital Outlay</u></b>			
571000	Improve-Other than Bldg	62,029	-	62,029
572000	Buildings and Related	625,617	-	625,617
573000	Exhibits and Related	1,012,532	385,334	1,397,866
574000	Equipment and Vehicles	107,985	-	107,985
574500	Vehicles	163,093	-	163,093
575000	Office Furn and Equip	15,000	-	15,000
576000	Railroad Equip and Facilities	1,237,109	-	1,237,109
	<b>Total Capital Outlay</b>	<b>3,223,365</b>	<b>385,334</b>	<b>3,608,699</b>
	<b><u>Contingency</u></b>			
700000	Contingency	1,804,299	-	1,804,299
	<b>Total Contingency</b>	<b>1,804,299</b>	<b>-</b>	<b>1,804,299</b>
	<b>Total Unappropriated Fund Balance</b>	<b>1,996,890</b>	<b>-</b>	<b>1,996,890</b>
<b>TOTAL REQUIREMENTS</b>		<b>\$7,153,437</b>	<b>\$385,334</b>	<b>\$7,538,771</b>
<b>TOTAL FTE</b>		<b>-</b>	<b>-</b>	<b>-</b>

**Exhibit B**  
**Resolution 17-4801**  
**Schedule of Appropriations**

	<b><u>Current</u></b> <b><u>Appropriation</u></b>	<b><u>Revision</u></b>	<b><u>Revised</u></b> <b><u>Appropriation</u></b>
<b>GENERAL FUND</b>			
Council	4,802,334	-	4,802,334
Office of the Auditor	701,182	-	701,182
Office of Metro Attorney	2,458,903	-	2,458,903
Information Services	4,968,788	-	4,968,788
Communications	1,846,982	-	1,846,982
Finance and Regulatory Services	5,140,767	80,000	5,220,767
Human Resources	3,004,980	-	3,004,980
Property and Environmental Services	2,624,973	-	2,624,973
Parks and Nature	11,512,148	135,000	11,647,148
Planning and Development Department	15,784,579	-	15,784,579
Research Center	4,556,613	-	4,556,613
Special Appropriations	4,272,000	-	4,272,000
Non-Departmental	-	-	-
Debt Service	1,932,038	-	1,932,038
Interfund Transfers	19,929,266	-	19,929,266
Contingency	5,856,706	(80,000)	5,776,706
<i>Total Appropriations</i>	89,392,259	135,000	89,527,259
Unappropriated Balance	20,607,474	-	20,607,474
<b>Total Fund Requirements</b>	<b>\$109,999,733</b>	<b>\$135,000</b>	<b>\$110,134,733</b>
<b>OREGON ZOO ASSET MANAGEMENT FUND</b>			
Visitor Venues - Oregon Zoo	3,352,248	385,334	3,737,582
Non-Departmental	-	-	-
Interfund Transfers	-	-	-
Contingency	1,804,299	-	1,804,299
<i>Total Appropriations</i>	5,156,547	385,334	5,541,881
Unappropriated Balance	1,996,890	-	1,996,890
<b>Total Fund Requirements</b>	<b>\$7,153,437</b>	<b>\$385,334</b>	<b>\$7,538,771</b>
<b>Total Appropriations</b>	<b>543,521,670</b>	<b>520,334</b>	<b>544,042,004</b>
<b>Total Unappropriated Balance</b>	<b>95,743,931</b>	<b>-</b>	<b>95,743,931</b>
<b>TOTAL BUDGET</b>	<b>\$639,265,601</b>	<b>\$520,334</b>	<b>\$639,785,935</b>

All other Appropriations remain as Previously Adopted

## STAFF REPORT

### FOR THE PURPOSE OF AMENDING THE FY 2016-17 BUDGET AND APPROPRIATIONS SCHEDULE AND FY 2016-17 THROUGH FY 2020-21 CAPITAL IMPROVEMENT PLAN TO PROVIDE FOR A CHANGE IN OPERATIONS

---

Date: June 22, 2017

Presented by: Lisa Houghton 503-797-1829

## BACKGROUND

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

### Asset Management and Capital Planning Project

Financial Planning and Regulatory Services is engaged in an agency-wide project to develop an asset management and capital planning framework. The project's steering committee provided strategic direction in April 2017 that necessitated acceleration of several components of the project. As a result, project costs originally anticipated to be spent in FY 2017-18 will be spent in the current year. The project's total scope and budget will not be increased as a result of this request.

This action requests the transfer of \$80,000 from the General Fund contingency.

### Natural Areas Management- Litigation Award for Damages to Metro Property

The Parks and Nature Department of the General Fund received \$135,000 in settlement funds from litigation regarding cross cutting of trees on Metro properties. The damage reimbursement, received in late 2016, is to be used in restoration of natural areas.

This action requests recognition of \$135,000 in damages reimbursement and additional associated appropriations authority.

### Oregon Zoo Capital Improvement Projects- Additional Capital Contribution from the Oregon Zoo Foundation and Allocation of Oregon Zoo Bond Reserves per Metro Council Resolution 17-4780

The Oregon Zoo Bond program proposes amending the fiscal year 2016-17 budget to account for two changes in planned spending. First, the Oregon Zoo Foundation received a grant in the amount of \$385,334 from Portland General Electric for the installation of solar panels on the Zoo Education Center. As non-bond revenue, this is recognized in the Zoo Asset Management Fund and a corresponding expenditure amount will be appropriated.

Second, this amendment updates the Capital Improvement Plan to reflect approved Council Resolution 17-4780, for the Purpose of Amending the Oregon Zoo Bond Implementation Plan and to Allocate Program Reserves. That resolution assigned unallocated bond resources to the Polar Bear, Primate, and Rhino habitats, as well as for the zoo electrical infrastructure improvements.

This action requests the recognition of a \$385,334 capital donation and provides additional associated appropriations authority.

This action also amends the FY 2016-17 through 2020-21 Capital Improvement Plan. Attachment 1 outlines the Capital Project Details changes requested.

### MERC Venues Capital Improvement Plan Changes (CIP changes only)

Throughout the year, the MERC capital program confronts many project challenges, which sometimes require changes to original project scopes, schedules or budgets. Specifically, many capital projects are currently experiencing significant disparities between project cost estimates and bid amounts due to the rapidly rising costs of commercial construction in the Portland Metro Area.

Portland's 5 proposes four amendments to their capital projects to accommodate the unforeseen cost overruns on the Building Re-key project and the Schnitzer Backstage Door design requirements. The proposed amendments do not increase Portland's 5 capital budget but instead decreases the Orchestra Shell and Keller LED Lighting Conversion projects budgets and increases the Building Re-key and Schnitzer Backstage Door projects by the same amounts for a net zero effect.

The Expo Center is also proposing capital project amendments to take advantage of product pricing, seasonal capacity, and a return on investment opportunity. The Expo team has strategically chosen to delay the HVAC Review and Repair project to FY 2018-19 and use this project budget to fund both the materials purchase for the Halls D&E Roof refurbishment and the Expo sign replacement on Hall A.

The self-production of Expo's annual Drive-in Movie Extravaganza require the use of a high-powered, high definition projector. Expo proposes to delay purchase of scaffolding and the retrofit exhaust fans project to FY 2017-18 or later and instead increase the budget for Audio Video equipment purchase to accommodate the purchase of a high-powered projector. The proposed amendments do not increase Expo's capital budget but instead increases and decreases the projects budgets listed above by the same amounts for a net zero effect.

This action amends the FY 2016-17 through FY 2020-21 Capital Improvement Plan. Attachment 2 outlines the Capital Project Details changes requested.

### Solid Waste Transfer Stations Capital Improvement Plan Changes (CIP changes only)

The Break Room Trailer and Camera Expansion projects for Metro South and Central Transfer Stations have both incurred costs higher than originally anticipated. As a result the capital project budgets need to be amended. Due to the reprioritization and cancellation of other FY 2016-17 capital projects, no additional appropriation is necessary.

This action amends the FY 2016-17 through FY 2020-21 Capital Improvement Plan. Attachment 3 outlines the Capital Project Details changes requested.

## **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. 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. ORS 294.338(2) allows an increase in appropriations due to specific purpose grants or gifts when authorized by an official resolution or ordinance of the governing body stating the need for the recognition. ORS 294.338(3) allows for an increase in appropriations due to unanticipated non-tax revenue when authorized by an official

resolution or ordinance of the governing body stating the need for the recognition. 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 capital donations and damages awarded and provides additional appropriations for changes in operations.
4. **Budget Impacts:** This action has the following impact on the FY 2016-17 budget:
  - Provides \$80,000 for the Asset Management and Capital Planning project via a transfer from the General Fund contingency.
  - Recognizes \$135,000 of damages reimbursement and provides additional associated appropriations authority in the General Fund.
  - Recognizes \$385,334 of capital donations and provides additional associated appropriations authority in the Zoo Asset Management Fund.
  - Approves Capital Improvement Plan amendments for numerous projects at the Oregon Zoo, the EXPO Center, Portland's P5 Centers for the Arts and the Solid Waste Central and South Transfer Stations.

#### **RECOMMENDED ACTION**

The Chief Operating Office recommends adoption of this Resolution.

**Mid-year Amendment TO FY 2016-17 BUDGET**  
**Capital Project Detail**

Attachment 1

Resolution 17-4801

New? Y/N	Project ID	Project Title	GL Acct	Fund ID	Dept ID	Est. End Date		Revised Project Budget					Source/s of Funding (Carry Fwd, Grant, etc.)	Other Project Comments
							Prior Years	2016-17	2017-18	2018-19	2019-20	2020-21		
Oregon Zoo Asset Management Fund – Capital Projects Subfund														
N	ZIP006	Education Center	572000	325	27000	6/30/2017	-	1,078,855	-	-	-	-	Grants and Donations	Recognizing \$385,334 PGE Grant
Oregon Zoo Infrastructure and Animal Welfare Fund														
N	ZIP006	Education Center	572000	320	27000	6/30/2017	9,552,002	6,011,911	-	-	-	-		
N	ZIP004	Polar Bear	573000	320	27000	9/30/2021	184,706	750,000	2,500,000	10,150,000	11,150,000	1,221,481	Zoo Bond Revenue	
N	ZIP005	Primate & Rhino Habitats	573000	320	27000	6/30/2020	1,909	75,000	2,500,000	5,250,000	9,019,160	-	Zoo Bond Revenue	
Y	Misc.	Electrical Infrastructure	Misc	320	27000	12/31/2017	-	500,000	1,000,000	-	-	-	Zoo Bond Revenue	

**Mid-year Amendment TO FY 2016-17 BUDGET**  
**Capital Project Detail**

Attachment 2

Resolution 17-4801

New? Y/N	Project ID	Project Title	GL Acct	Fund ID	Dept ID	Est. End Date	Revised Project Budget					Source/s of Funding (Carry Fwd, Grant, etc.)	Other Project Comments
							2016-17	2017-18	2018-19	2019-20	2020-21		
Portland'5 Centers for the Arts													
N	8R092	ACSH Orchestra Shell Rigging	572000	554	58999	08.31.2018	64,701	125,000					
N	8R123	AHH/ASCH/Keller Building Re- Key & Key Control Software	572000	554	58999	06.30.2017	148,933	0					
N	8R094	Keller Auditorium LED Lighting Conversion	572000	554	58999	06.30.2022	90,635	0					
N	8R157	ASCH Backstage Entry Door Replacement	572000	554	58999	06.30.2018	85,000	0					
Expo													
N	8R137	HVAC Review & Repair	572000	556	56999	06.30.2020	0	0					
N	8R149	Hall A Carpet, Paint, Sign	572000	556	56999	06.30.2020	25,000	0					
N	8R136	Halls D&E Roof Refurbishment	572000	556	56999	06.30.2018	924,500	1,898,750					
N	8N065	Halls ABCDE Retrofit Exhaust Fans	572000	556	56999	06.30.2020	0	0					
N	8N066	Scaffolding Purchase	574000	556	56999	06.30.2020	0	0					
N	8N020	Audio Visual Equipment	574000	556	56999	06.30.2020	85,000	0					

## Capital Project Detail

Attachment 3

Resolution 17-4801

New? Y/N	Project ID	Project Title	GL Acct	Fund ID	Dept ID	Est. End Date	Revised Project Budget						Source/s of Funding (Carry Fwd, Grant, etc.)	Other Project Comments
							2017	2018	2019	2020	2021	2022		
N	77106	MCS Camera Expansion	575000	536	34100	6/30/2017	130,000	-	-	-	-	-	Cancellation of MCS Organics / Food Handling Project (#76872) funds	Accepted bid/proposal on the camera expansion was higher than budgeted expectations. Due to reprioritizing and canceling of SW R&R projects, the increase of \$30,000 can be absorbed in original CO appropriation
N	77102	MSS Camera Expansion	575000	536	34100	6/30/2017	130,000	-	-	-	-	-	Cancellation of MCS Organics / Food Handling Project (#76872) funds	Accepted bid/proposal on the camera expansion was higher than budgeted expectations. Due to reprioritizing and canceling of SW R&R projects, the increase of \$30,000 can be absorbed in original CO appropriation
N	77122	MSS Breakroom Trailer	572000	534	34100	6/30/2017	75,000	-	-	-	-	-	Cancellation of MCS replacement of Slow Speed Shredder project (#76889)	Costs to finish up the break trailer will exceed budgeted expectations. Due to reprioritizing and canceling of SW R&R projects, the increase of \$25,000 can be absorbed in original CO appropriation



Agenda Item No. 4.4

**Resolution No. 17-4799**, For the Purpose of Adopting the Capital Improvement Plan for Fiscal Years 2017-18 Through 2021-22, Approving the Metropolitan Tourism Opportunity Competitiveness Account Projects and Re-adopting Metro's Financial Policies

*Resolutions*

Metro Council Meeting  
Thursday, June 22, 2017  
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE	)	RESOLUTION NO. 17-4799
CAPITAL IMPROVEMENT PLAN FOR FISCAL	)	Introduced by Martha Bennett, Chief
YEARS 2017-18 THROUGH 2021-22, APPROVING	)	Operating Officer, in concurrence with
THE METROPOLITAN TOURISM OPPORTUNITY	)	Council President Tom Hughes
COMPETITIVENESS ACCOUNT PROJECTS AND	)	
RE-ADOPTING METRO'S FINANCIAL POLICIES	)	

WHEREAS, Metro recognizes the need to prepare a long-range plan estimating the timing, scale and cost of its major capital projects and equipment purchases; and

WHEREAS, Metro's Chief Operating Officer has directed the preparation of a Capital Improvement Plan for fiscal years 2017-18 through 2021-22 that projects Metro's major capital spending needs over the next five years;

WHEREAS, the Metro Council has reviewed the FY 2017-18 through FY 2021-22 Capital Improvement Plan; and

WHEREAS, the Metro Council has conducted a public hearing on the FY 2017-18 budget including the FY 2017-18 through FY 2021-22 Capital Improvement Plan; and

WHEREAS, the Metro Council annually reviews and readopts its Comprehensive Financial Policies including the Capital Asset Management Policies and Debt Management Policies; and

WHEREAS, the Metro Council annually approves funding from the Metropolitan Tourism Opportunity Competitiveness Account (MTOCA); now therefore

BE IT RESOLVED that the Metro Council hereby authorizes the following:

1. That the FY 2017-18 through FY 2021-22 Capital Improvement Plan (CIP), summarized in Exhibit A, is hereby adopted.
2. That the FY 2017-18 capital projects from the FY 2017-18 through FY 2021-22 Capital Improvement Plan be included and appropriated in the FY 2017-18 budget.
3. That the Comprehensive Financial Policies, including the Capital Asset Management Policies, included as Exhibit B to this Resolution, are re-adopted and will be published in the FY 2017-18 budget.
4. That MTOCA funding for the Oregon Convention Center and the Expo Center for FY 2017-18 is approved.

ADOPTED by the Metro Council this 22nd day of June 2017.

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Tom Hughes, Metro Council President

Approved as to Form:

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Alison R. Kean, Metro Attorney

## Total Project Summary with Major Funding Sources

Exhibit A  
Resolution 17-4799

INFORMATION SERVICES							
	ID	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	Total
<b>MERC FUND (CONVENTION CENTER)</b>							
VOIP Phone System Upgrade Phase II	65701C	300,000	-	-	-	-	300,000
<b>TOTAL MERC FUND (CONVENTION CENTER)</b>		<b>\$300,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$300,000</b>
<b>MERC FUND (EXPO)</b>							
VOIP Phone System Upgrade Phase II	65701C	70,740	-	-	-	-	70,740
<b>TOTAL MERC FUND (EXPO)</b>		<b>\$70,740</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$70,740</b>
<b>GENERAL FUND</b>							
Customer Relationship Software	65675A	29,340	-	-	-	-	29,340
<b>TOTAL GENERAL FUND</b>		<b>\$29,340</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$29,340</b>
<b>GENERAL ASSET MANAGEMENT FUND (RENEWAL &amp; REPLACEMENT)</b>							
IS R&R < \$100K		114,178	4,973	21,090	42,204	72,374	254,819
VOIP Phone System Upgrade Phase II	65701C	470,621	-	-	-	-	470,621
IMS - Network Management	65200	325,144	442,859	222,360	281,492	208,944	1,480,799
PeopleSoft LMS	ISTBD13	185,141	-	-	-	-	185,141
PeopleSoft Upgrades	01521	113,111	-	-	-	-	113,111
PeopleSoft Supplier Contract Management Module	65612A	100,000	-	-	-	-	100,000
Printer Consolidation - Acquisition	65110	42,750	13,660	9,800	37,400	35,200	138,810
KRONOS Timeclocks	65630B	40,344	31,084	31,516	31,000	32,000	165,944
Netapp 3050 (Alex) File Server	ISTBD01	-	275,000	-	-	-	275,000
PeopleSoft Upgrade	65612	-	-	150,191	-	156,258	306,449
RLI Training Software	01524	-	-	57,639	-	60,863	118,502
Council Chamber Broadcast Video	01326	-	-	-	180,000	-	180,000
<b>TOTAL GENERAL ASSET MANAGEMENT FUND (RENEWAL &amp; REPLACEMENT)</b>		<b>\$1,391,289</b>	<b>\$767,576</b>	<b>\$492,596</b>	<b>\$572,096</b>	<b>\$565,639</b>	<b>\$3,789,196</b>
<b>MERC FUND (MERC ADMIN)</b>							
PCI-Network Remediation	01570	250,000	-	-	-	-	250,000
<b>TOTAL MERC FUND (MERC ADMIN)</b>		<b>\$250,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$250,000</b>
<b>GENERAL ASSET MANAGEMENT FUND (NEW CAPITAL)</b>							
PCI-Network Remediation	01570	231,033	-	-	-	-	231,033
Zoo Roadmap	ISTBD06	164,000	-	-	-	-	164,000
Data Backup & Recovery System	01571	-	18,669	3,585	-	20,289	42,543
<b>TOTAL GENERAL ASSET MANAGEMENT FUND (NEW CAPITAL)</b>		<b>\$395,033</b>	<b>\$18,669</b>	<b>\$3,585</b>	<b>\$0</b>	<b>\$20,289</b>	<b>\$437,576</b>
<b>MERC FUND (PORTLAND'S CENTERS FOR THE ARTS)</b>							
VOIP Phone System Upgrade Phase II	65701C	141,521	-	-	-	-	141,521
<b>TOTAL MERC FUND (PORTLAND'S CENTERS FOR THE ARTS)</b>		<b>\$141,521</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$141,521</b>
<b>SOLID WASTE FUND (RENEWAL &amp; REPLACEMENT)</b>							
VOIP Phone System Upgrade Phase II	65701C	14,016	-	-	-	-	14,016
<b>TOTAL SOLID WASTE FUND (RENEWAL &amp; REPLACEMENT)</b>		<b>\$14,016</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$14,016</b>
<b>TOTAL INFORMATION SERVICES (16 Projects)</b>		<b>\$2,591,939</b>	<b>\$786,245</b>	<b>\$496,181</b>	<b>\$572,096</b>	<b>\$585,928</b>	<b>\$5,032,389</b>

## Major Funding Sources

	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	Total
Fund Balance - Renewal & Replacement	2,331,566	767,576	492,596	572,096	565,639	4,729,473
Fund Balance - Reserve for One Time Expenditures	135,373	18,669	3,585	-	20,289	177,916
Interfund Transfer - SW	125,000	-	-	-	-	125,000
<b>TOTAL INFORMATION SERVICES DEPARTMENT</b>	<b>\$2,591,939</b>	<b>\$786,245</b>	<b>\$496,181</b>	<b>\$572,096</b>	<b>\$585,928</b>	<b>\$5,032,389</b>

PARKS AND NATURE							
	ID	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	Total
<b>General Fund</b>							
Levy Terramet Database Improvement (GF SHARE)	LS010	55,000	-	-	-	-	55,000
<b>TOTAL GENERAL FUND</b>		<b>\$55,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$55,000</b>
<b>GENERAL ASSET MANAGEMENT FUND (RENEWAL AND REPLACEMENT)</b>							
Parks R&R Projects < \$100K		273,077	104,750	133,250	90,100	55,500	656,677
Fleet : PARKS	70001P	373,825	277,668	131,405	76,615	722,526	1,582,039
Oxbow: Gravel Trails	POX004	252,404	-	-	-	-	252,404
Chinook: Floats & Gangway	PCX001	115,830	-	-	-	-	115,830
Blue Lake Infrastructure Improvements	LI212	91,250	-	48,500	-	-	139,750
Cemetery Fencing	PKSTBD12	80,250	-	-	19,000	68,950	168,200
Chinook Landing Improvements	RPRR07	75,000	350,000	140,000	-	29,600	594,600
Blue Lake: Fencing	PBL002	45,851	-	65,000	-	-	110,851
Oxbow Play Area Renovations (R&R SHARE)	LI003	23,302	-	-	-	-	23,302
Oxbow Park Infrastructure Improvements (R&R Share)	LI011	-	-	-	-	10,000	10,000
Cemetery Paving Projects	PKSTBD11	-	-	22,500	217,620	-	240,120
Oxbow Roof Replacements	PKSTBD23	-	-	15,000	-	106,800	121,800
<b>TOTAL GENERAL ASSET MANAGEMENT FUND (RENEWAL AND REPLACEMENT)</b>		<b>\$1,330,789</b>	<b>\$732,418</b>	<b>\$555,655</b>	<b>\$403,335</b>	<b>\$993,376</b>	<b>\$4,015,573</b>
<b>GENERAL FUND (GLENDOVEER GOLF COURSE)</b>							
Glendoveer Facility Condition Assessment	GF121	75,000	75,000	-	-	72,000	222,000
Glendoveer Equipment	PKSTBD08	50,000	50,000	50,000	50,000	50,000	250,000
<b>TOTAL GENERAL FUND (GLENDOVEER GOLF COURSE)</b>		<b>\$125,000</b>	<b>\$125,000</b>	<b>\$50,000</b>	<b>\$50,000</b>	<b>\$122,000</b>	<b>\$472,000</b>
<b>NATURAL AREAS FUND</b>							
Natural Areas Acquisition	TEMP98	7,500,000	7,500,000	7,500,000	-	-	22,500,000
Columbia Blvd Bridge Crossing	BA010	1,450,000	1,771,000	-	-	-	3,221,000
Marine Drive Trail	BA020	1,200,000	1,250,000	-	-	-	2,450,000
Chehalem Ridge Comp Plan	LA110	720,000	2,050,000	-	-	-	2,770,000
Gabbert Hill Access Improvements	LA200	320,000	1,425,000	-	-	-	1,745,000
OPRC - Quitclaim - Springwater	G24010	150,310	-	-	-	-	150,310
River Island Restoration	BA030	130,000	-	-	-	-	130,000
Levy Terramet Database Improvement (Bond Share)	LS010	100,000	50,000	50,000	-	-	200,000
Tigard: Fanno Creek Trail	BA040	35,000	550,000	-	-	-	585,000
N. Columbia Slough Bridge	BA011	-	600,000	1,771,000	-	-	2,371,000
<b>TOTAL NATURAL AREAS FUND</b>		<b>\$11,605,310</b>	<b>\$15,196,000</b>	<b>\$9,321,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$36,122,310</b>
<b>PARKS AND NATURAL AREAS LOCAL OPTION LEVY FUND</b>							
Parks Levy Projects < \$100K		255,000	-	-	-	-	255,000
Oxbow Office/Residence Renovations	LI005	800,000	150,000	-	-	-	950,000
Tualatin Forest Restoration (Burlington Forest/McCarty/Ennis)	LA120	702,000	16,000	-	-	-	718,000
Killin Wetland Access/Site Evaluation	LA300	595,000	-	-	-	-	595,000
Newell Canyon Access/Site Evaluation	LA250	581,500	-	-	-	-	581,500
Smith and Bybee Wetlands Water Management	LR403	500,000	-	-	-	-	500,000
Ambleside Aquatic Restoration	LR1602	360,000	10,000	-	-	-	370,000
Oxbow Park Stream Restoration	LR240	325,000	1,502,000	-	-	-	1,827,000
Borland Infrastructure Improvements	LR750	325,000	-	-	-	-	325,000
Oxbow Play Area Renovations	LI003	321,804	-	-	-	-	321,804
Oxbow Campground Improvements	LI007	280,000	-	-	-	-	280,000
Blue Lake Infrastructure Improvements	LI212	100,000	100,000	-	-	-	200,000
Oxbow Park Infrastructure Improvements	LI011	100,000	100,000	-	-	-	200,000
Richardson Creek Restoration Project	LR031	50,000	995,000	-	-	-	1,045,000
Blue Lake Office Renovation	LI213	50,000	450,000	180,000	-	-	680,000
Levy Terramet Database Improvement	LS010	50,000	50,000	50,000	-	-	150,000
SB WCS upgrades&repairs (Levy Share)	LR408	80,000	-	-	-	-	80,000
Gabbert Hill Access Improvements (Levy Share)	LA200	25,000	-	-	-	-	25,000
Smith & Bybee Ramp and Pathway	PKSTBD01	-	100,000	-	-	-	100,000
<b>TOTAL PARKS AND NATURAL AREAS LOCAL OPTION LEVY FUND</b>		<b>\$5,500,304</b>	<b>\$3,473,000</b>	<b>\$230,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$9,203,304</b>
<b>GENERAL ASSET MANAGEMENT FUND (PARKS CAPITAL)</b>							
Trails: St Johns Prairie	PTRO01	250,000	850,000	-	-	-	1,100,000
<b>TOTAL GENERAL ASSET MANAGEMENT FUND (PARKS CAPITAL)</b>		<b>\$250,000</b>	<b>\$850,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,100,000</b>
<b>SMITH AND BYBEE WETLANDS FUND</b>							
SB WCS upgrades&repairs	LR408	80,000	-	-	-	-	80,000
<b>TOTAL SMITH AND BYBEE WETLANDS FUND</b>		<b>\$80,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$80,000</b>
<b>GENERAL ASSET MANAGEMENT FUND (WILLAMETTE FALLS CAPITAL)</b>							
WF Construction	WF013	1,650,000	750,000	1,250,000	400,000	-	4,050,000
WF Conceptual Design	WF011	1,090,582	-	-	-	-	1,090,582
Willamette Falls Legacy Project	WF040	195,000	-	-	-	-	195,000
Willamette Falls Riverwalk	WF010	165,859	-	-	-	-	165,859
<b>TOTAL GENERAL ASSET MANAGEMENT FUND (WILLAMETTE FALLS CAPITAL)</b>		<b>\$3,101,441</b>	<b>\$750,000</b>	<b>\$1,250,000</b>	<b>\$400,000</b>	<b>\$0</b>	<b>\$5,501,441</b>
<b>TOTAL PARKS &amp; NATURE (43 Projects)</b>		<b>\$22,047,844</b>	<b>\$21,126,418</b>	<b>\$11,406,655</b>	<b>\$853,335</b>	<b>\$1,115,376</b>	<b>\$56,549,628</b>

## Major Funding Sources

	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	Total
Fund Balance- Renewal and Replacement	1,330,789	732,418	555,655	403,335	993,376	4,015,573
Fund Balance - General Fund	180,000	125,000	50,000	50,000	122,000	527,000
Fund Balance- Capital Reserve	250,000	850,000	-	-	-	1,100,000
Fund Balance - Willamette Falls Capital Subfund	2,228,441	750,000	1,250,000	400,000	-	4,628,441
Fund Balance - Smith & Bybee Wetlands Fund	80,000	-	-	-	-	80,000
G.O. Bonds- Natural Areas	11,485,310	13,425,000	7,550,000	-	-	32,460,310
Grants / Funding From Other Agencies	873,000	1,771,000	1,771,000	-	-	4,415,000
Local Options Levy	5,620,304	3,473,000	230,000	-	-	9,323,304
<b>TOTAL PARKS &amp; NATURE</b>	<b>\$22,047,844</b>	<b>\$21,126,418</b>	<b>\$11,406,655</b>	<b>\$853,335</b>	<b>\$1,115,376</b>	<b>\$56,549,628</b>

## Total Project Summary with Major Funding Sources

Exhibit A  
Resolution 17-4799

PROPERTY & ENVIRONMENTAL SERVICES							
	ID	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	Total
<b>MERC FUND (CONVENTION CENTER)</b>							
VOIP Phone System Upgrade (OCC Share)	65701B	52,500	-	-	-	-	52,500
<b>TOTAL MERC FUND (CONVENTION CENTER)</b>		<b>\$52,500</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$52,500</b>
<b>MERC FUND (EXPO)</b>							
VOIP Phone System Upgrade (EXPO Share)	65701B	37,200	-	-	-	-	37,200
<b>TOTAL MERC FUND (EXPO)</b>		<b>\$37,200</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$37,200</b>
<b>GENERAL ASSET MANAGEMENT FUND ( RENEWAL AND REPLACEMENT)</b>							
MRC: Rooftop Airhandler	MRC001	1,424,434	-	-	-	-	1,424,434
MRC Roof Rplcmnt-Phase 2	01320A	535,389	-	-	-	-	535,389
Table 6 Tenant Improvements	PSTBD022	300,000	-	-	-	-	300,000
MRC - Building Envelope Repairs	01325	217,000	-	-	-	-	217,000
Central Environmental System	01324	216,800	-	-	-	-	216,800
VOIP Phone System Upgrade	65701B	137,400	-	-	-	-	137,400
MRC Security System	01503	120,000	-	-	-	-	120,000
MRC Daycare Carpets	PSTBD021	-	156,600	-	-	-	156,600
PES Fleet	70001	-	-	51,409	30,655	-	82,064
Parking Structure Resealing	PSTBD020	-	-	-	233,750	-	233,750
<b>TOTAL GENERAL ASSET MANAGEMENT FUND (RENEWAL AND REPLACEMENT)</b>		<b>\$2,951,023</b>	<b>\$156,600</b>	<b>\$51,409</b>	<b>\$264,405</b>	<b>\$0</b>	<b>\$3,423,437</b>
<b>MERC FUND (PORTLAND'S CENTERS FOR THE ARTS)</b>							
VOIP Phone System Upgrade (PCPA Share)	65701B	72,600	-	-	-	-	72,600
<b>TOTAL MERC FUND (PORTLAND'S CENTERS FOR THE ARTS)</b>		<b>\$72,600</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$72,600</b>
<b>SOLID WASTE FUND (GENERAL ACCOUNT)</b>							
SW Transfer Station Signage	SWTBD09	65,000	50,000	35,000	-	-	150,000
<b>TOTAL SOLID WASTE FUND ( GENERAL ACCOUNT )</b>		<b>\$65,000</b>	<b>\$50,000</b>	<b>\$35,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$150,000</b>
<b>SOLID WASTE FUND ( LANDFILL CLOSURE)</b>							
St. Johns Landfill - Remediation	76995	400,000	-	-	-	-	400,000
SJLF Flare Replacement	77002	300,000	-	-	-	-	300,000
<b>TOTAL SOLID WASTE FUND ( LANDFILL CLOSURE)</b>		<b>\$700,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$700,000</b>
<b>SOLID WASTE FUND (OPERATING ACCOUNT)</b>							
SW Capital Projects <\$100K		99,500	-	-	-	-	99,500
<b>TOTAL SOLID WASTE FUND (OPERATING ACCOUNT )</b>		<b>\$99,500</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$99,500</b>
<b>SOLID WASTE FUND ( RENEWAL &amp; REPLACEMENT)</b>							
SW R&R Projects < \$100K		240,000	50,000	60,000	-	-	350,000
Central Compactor #1	SMC002	1,400,000	-	-	-	-	1,400,000
Metro South: Compactor #1	SMS001	1,400,000	-	-	-	-	1,400,000
Fleet: Solid Waste	70001S	360,333	69,850	124,859	58,150	115,082	728,274
MSS HHW Roof Replacement	77110	200,000	200,000	-	-	-	400,000
MSS Bays 1 & 2 lighting replacement	77117	100,000	-	-	-	-	100,000
Crusher Can / Aerosol Crusher - MSS	77126	100,000	-	-	-	-	100,000
MRC Remodel- 2nd Floor-PES/SW Year 2	01329	90,000	-	-	-	-	90,000
MSS Annual Concrete Maintenance	SWTBD10	50,000	50,000	50,000	50,000	50,000	250,000
Metro Central - Annual Concrete Repair	77125	50,000	50,000	50,000	50,000	-	200,000
VOIP Phone System Upgrade (Latex Paint Share)	65701B	6,000	-	-	-	-	6,000
Metro Central - Compactor #3	SWTBD04	-	1,400,000	-	-	-	1,400,000
Metro South - Compactor #2	SWTBD06	-	400,000	1,000,000	-	-	1,400,000
Platform Scale MCS-B	SWTBD03	-	150,000	-	-	-	150,000
Metro South Bays - 1&2 Ventilations System	76836	-	140,000	-	-	-	140,000
Metro Central - Conveyor #1	SWTBD05	-	-	600,000	-	-	600,000
Metro Central - Conveyor #3	SWTBD07	-	-	400,000	-	-	400,000
Platform Scale MSS #1, 70ft	SWTBD02	-	-	150,000	-	-	150,000
<b>TOTAL SOLID WASTE FUND (RENEWAL &amp; REPLACEMENT)</b>		<b>\$3,996,333</b>	<b>\$2,509,850</b>	<b>\$2,434,859</b>	<b>\$158,150</b>	<b>\$165,082</b>	<b>\$9,264,274</b>
<b>TOTAL PROPERTY &amp; ENVIRONMENTAL SERVICES (30 Projects)</b>		<b>\$7,974,156</b>	<b>\$2,716,450</b>	<b>\$2,521,268</b>	<b>\$422,555</b>	<b>\$165,082</b>	<b>\$13,799,511</b>

## Major Funding Sources

	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	Total
Fund Balance- Renewal and Replacement	5,296,267	2,509,850	2,434,859	158,150	165,082	10,564,208
Fund Balance- Capital Reserve	164,500	50,000	35,000	-	-	249,500
Interfund Loan - SW to MRC	1,813,389	156,600	51,409	264,405	-	2,285,803
Fund Balance- Landfill Closure	700,000	-	-	-	-	700,000
<b>TOTAL PROPERTY &amp; ENVIRONMENTAL SERVICES</b>	<b>\$7,974,156</b>	<b>\$2,716,450</b>	<b>\$2,521,268</b>	<b>\$422,555</b>	<b>\$165,082</b>	<b>13,799,511</b>

## Total Project Summary with Major Funding Sources

Exhibit A  
Resolution 17-4799

OREGON CONVENTION CENTER							
	ID	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	TOTAL
<b>MERC FUND (CONVENTION CENTER)</b>							
OCC Capital Projects <\$100K		368,000	-	75,000	-	-	443,000
OCC - Master Plan Renovation	8R082	6,000,000	29,000,000	-	-	-	35,000,000
OCC - CCTV Replacement	8R032	450,000	-	-	-	-	450,000
OCC Loading Dock Improvements	8R189	360,000	-	-	-	-	360,000
OCC - EST-3 Fire Alarm Notification Upgrades	8R163	305,000	-	-	-	-	305,000
OCC - Integrated Door Access Controls	8N025	300,000	-	-	-	-	300,000
OCC Breakroom Renovation	8R191	285,000	-	-	-	-	285,000
OCC - Lighting Control System	88174	275,000	-	-	-	-	275,000
OCC - POS Replacement	OCCTBD38	230,000	-	-	-	-	230,000
OCC - Movable Partition Refurbishment	8R190	180,000	-	-	-	-	180,000
OCC - Building Envelope	8R187	150,000	700,000	-	-	-	850,000
OCC - A/V Equipment (NBS)	8R118	150,000	150,000	150,000	150,000	150,000	750,000
OCC Cooling System Rplcmnt	8R188	80,000	2,300,000	-	-	-	2,380,000
OCC - Alerton Gbl Controller Upgrade	8R166	70,000	50,000	-	-	-	120,000
OCC - Orbit Bakery/Front Remodel	OCCTBD41	-	700,000	-	-	-	700,000
OCC - Lighting Project - BOH, Offices	8R148A	-	500,000	-	-	-	500,000
OCC - Cardboard Baler & Canopy	8N067	-	215,000	-	-	-	215,000
OCC - WiFi & Show Network Upgrades	OCCTBD31	-	120,000	-	130,000	-	250,000
OCC - Chair Replacement	OCCTBD30	-	-	600,000	-	660,000	1,260,000
OCC - Table Replacement	OCCTBD44	-	-	400,000	-	-	400,000
OCC - AV Audio System Upgrade	OCCTBD42	-	-	315,000	-	-	315,000
OCC - Sandwich Company Renovation	OCCTBD45	-	-	250,000	-	-	250,000
OCC - Public Circulation Furniture Replacement	OCCTBD43	-	-	175,000	-	-	175,000
OCC - Portland Roasting Coffee Renovation	OCCTBD46	-	-	150,000	150,000	-	300,000
OCC - Boiler Replacement (2)	OCC08	-	-	-	1,750,000	-	1,750,000
OCC - Tortilla Crisp Renovation	OCCTBD47	-	-	-	400,000	-	400,000
<b>TOTAL MERC FUND (CONVENTION CENTER)</b>		<b>\$9,203,000</b>	<b>\$33,735,000</b>	<b>\$2,115,000</b>	<b>\$2,580,000</b>	<b>\$810,000</b>	<b>\$48,443,000</b>
<b>TOTAL OREGON CONVENTION CENTER (26 Projects)</b>		<b>\$9,203,000</b>	<b>\$33,735,000</b>	<b>\$2,115,000</b>	<b>\$2,580,000</b>	<b>\$810,000</b>	<b>\$48,443,000</b>

## Major Funding Sources

	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	Total
Fund Balance- Renewal and Replacement	2,748,000	3,765,000	1,390,000	1,900,000	660,000	10,463,000
Fund Balance - New Capital	150,000	150,000	150,000	150,000	150,000	750,000
MTOCA	-	120,000	-	130,000	-	250,000
TLT Capital Reserves	5,805,000	29,000,000	175,000	-	-	34,980,000
Aramark Capital/Other	500,000	700,000	400,000	400,000	-	2,000,000
<b>OREGON CONVENTION CENTER TOTAL</b>	<b>\$9,203,000</b>	<b>\$33,735,000</b>	<b>\$2,115,000</b>	<b>\$2,580,000</b>	<b>\$810,000</b>	<b>\$48,443,000</b>

## Total Project Summary with Major Funding Sources

Exhibit A  
Resolution 17-4799

PORTLAND'S CENTERS FOR THE ARTS							
	ID	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	Total
<b>MERC FUND (PORTLAND'S CENTERS FOR THE ARTS)</b>							
P'5 Capital Projects < \$100K		360,000	280,000	75,000	60,000	-	775,000
P5 Keller Backstage Dressing Tower Elevator	8R175	300,000	-	-	-	-	300,000
P5 Newmark Lighting Phase III	8R144	275,000	-	-	-	-	275,000
P'5 - AHH Newmark Lighting System Overhaul - Phase II	8R089	275,000	-	-	-	-	275,000
P5 ArtBar Bar Rplcmnt	85108	200,000	200,000	-	-	-	400,000
P'5 - AHH Winingstad House Lighting Controls & Dimmers	8R090	200,000	-	-	-	-	200,000
P5 AHH/ASCH/Keller Access Control/CCTV replacement	P5TBD31	200,000	-	-	-	-	200,000
P5 AHH Food Service PO system replacement	P5TBD32	130,000	-	-	-	-	130,000
P5 ASCH/Keller Main Curtain/Organ Loft Curtains	8R183	100,000	-	-	-	-	100,000
P5 AHH Roof	8R179	50,000	300,000	-	-	-	350,000
P5 ASCH Chamber Lighting	8R177	25,000	150,000	-	-	-	175,000
P5 Keller Wall Panels	8R145	-	3,000,000	-	-	-	3,000,000
P5 ASCH Piano Replacement	P5TBD71	-	550,000	-	-	-	550,000
P5 Keller Building HVAC Controls & Stage HVAC Improvements	P5TBD56	-	500,000	-	-	-	500,000
ASCH - Cooling Tower Replacement	8R120	-	350,000	-	-	-	350,000
P5 Keller HVAC Controls Upgrades (R&R)	P5TBD15	-	350,000	-	-	-	350,000
P5 Keller Main Switchgear (R&R)	8R155	-	300,000	-	-	-	300,000
P5 Keller Electric Panels	8R158	-	300,000	-	-	-	300,000
P5 AHH - Backstage Elevator Overhaul	8R121	-	270,000	-	-	-	270,000
AHH, ASCH, Keller - Stage Doors and Office Plan	8R101	-	200,000	-	-	-	200,000
P5 ASCH Broadway Marquee	P5TBD55	-	175,000	200,000	-	-	375,000
P5 AHH Rotunda/Bistro Carpet Replacement	P5TBD53	-	150,000	-	-	-	150,000
P5 Keller Interior Paneling Repairs	P5TBD52	-	100,000	-	-	-	100,000
P5 ASCH Roof Drains	P5TBD51	-	100,000	-	-	-	100,000
P5 AHH/ASCH/Keller ADA updates	P5TBD47	-	30,000	50,000	-	95,000	175,000
P5 AHH FOH Elvtr Ovrhl	8R152	-	-	575,000	-	-	575,000
P5 Keller Stage Pit Lifts Overhaul	P5TBD66	-	-	350,000	-	-	350,000
P5 Keller Carpet Front of House	P5TBD64	-	-	150,000	-	-	150,000
P5 Keller Main Speakers	P5TBD65	-	-	150,000	-	-	150,000
P5 ASCH Park Street Marquee	P5TBD63	-	-	125,000	175,000	-	300,000
P5 ASCH Seat cushion/fabric replacement	P5TBD62	-	-	100,000	100,000	-	200,000
P5 AHH Storage Racking System	P5TBD61	-	-	100,000	-	-	100,000
P5 AHH Demand Control Ventilation HVAC	P5TBD57	-	-	20,000	125,000	-	145,000
P5 AHH EIFS Replacement Phase III	P5TBD70	-	-	-	400,000	-	400,000
P5 ASCH FOH Elevators Overhaul	P5TBD69	-	-	-	300,000	-	300,000
P5 Keller FOH Elevator Overhauls	P5TBD59	-	-	-	-	650,000	650,000
P5 ASCH Backstage Dressing Tower Elevator Overhaul	P5TBD68	-	-	-	-	275,000	275,000
P5 ASCH Backstage Elevator Overhaul	P5TBD73	-	-	-	-	210,000	210,000
P5 AHH Freight Elevator Overhaul	P5TBD72	-	-	-	-	100,000	100,000
<b>TOTAL MERC FUND (PORTLAND'S CENTERS FOR THE ARTS)</b>		<b>\$2,115,000</b>	<b>\$7,305,000</b>	<b>\$1,895,000</b>	<b>\$1,160,000</b>	<b>\$1,330,000</b>	<b>\$13,805,000</b>
<b>TOTAL PORTLAND'S CENTERS FOR THE ARTS (39 Projects)</b>		<b>\$2,115,000</b>	<b>\$7,305,000</b>	<b>\$1,895,000</b>	<b>\$1,160,000</b>	<b>\$1,330,000</b>	<b>\$13,805,000</b>

## Major Funding Sources

	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	Total
Fund Balance- Renewal and Replacement	1,915,000	7,305,000	1,895,000	1,160,000	1,330,000	13,605,000
Aramark	200,000					200,000
<b>TOTAL PORTLAND 5 CENTER FOR THE ARTS</b>	<b>\$2,115,000</b>	<b>\$7,305,000</b>	<b>\$1,895,000</b>	<b>\$1,160,000</b>	<b>\$1,330,000</b>	<b>\$13,805,000</b>

## Total Project Summary with Major Funding Sources

Exhibit A  
Resolution 17-4799

EXPO CENTER							
	ID	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	Total
<b>MERC FUND (EXPO)</b>							
Expo Capital Projects < \$100K		280,000	185,000	205,000	-	150,000	820,000
Expo - Hall D Roof Repairs/Replacement	8R136	1,898,750	975,000	-	-	-	2,873,750
Expo - POS Micros System	EXTBD16	160,000	-	-	-	-	160,000
Expo - Hall A Elec. transformer/LP1 Shore Power /Cirque	EXTBD31	150,000	-	-	-	-	150,000
Expo - Parking Lot Asphalt Maintenance / Replacement	8R040	135,000	60,000	60,000	60,000	60,000	375,000
Expo - Connector Glass Door	85106	120,000	45,000	-	-	-	165,000
Expo - Roof Repair - Halls ABC Minor Repairs	8R135	80,000	135,000	10,000	10,000	10,000	245,000
Expo - WiFi - Telecommunications Upgrade	8R139	80,000	-	-	50,000	-	130,000
Expo - Hall C HVAC Study and Installation	EXTBD25	35,000	250,000	-	-	-	285,000
Expo - Lighting Control review and install - Halls ABCDE	EXTBD30	20,000	150,000	-	-	-	170,000
Expo - Sport Court / Futsol	EXTBD23	-	175,000	-	-	-	175,000
Expo - Hall C Roof Recoat	EXTBD49	-	125,000	-	-	-	125,000
Expo - Halls ABC Interior Paint (R&R)	EXTBD12	-	120,000	-	-	-	120,000
Expo - UP4 New Storage Building	EXTBD19	-	50,000	250,000	-	-	300,000
Expo - Expo Website Update	EXTBD32	-	50,000	200,000	-	-	250,000
Expo - Facility Wide Door review / install / security	EXTBD27	-	35,000	250,000	-	-	285,000
Expo - Electrical Equipment (New Bus/Capital)	EXTBD06	-	-	150,000	-	-	150,000
Expo - Hall D Kitchen Office Conversion	EXTBD17	-	-	35,000	300,000	-	335,000
Expo - Hall D Storage Office Conversion	EXTBD18	-	-	35,000	300,000	-	335,000
Expo - Roof Repair - Hall E Loading Dock (TLT Pooled)	EXTBD02	-	-	-	375,000	330,000	705,000
Expo - Facility Wide Overhead Door review / install	EXTBD28	-	-	-	35,000	250,000	285,000
Expo - Parking Entry System and Loop Replacement	EXTBD50	-	-	-	-	700,000	700,000
Expo - Hall E HVAC	EXTBD39	-	-	-	-	290,000	290,000
<b>TOTAL MERC FUND (EXPO)</b>		<b>\$2,958,750</b>	<b>\$2,355,000</b>	<b>\$1,195,000</b>	<b>\$1,130,000</b>	<b>\$1,790,000</b>	<b>\$9,428,750</b>
<b>TOTAL EXPO (23 Projects)</b>		<b>\$2,958,750</b>	<b>\$2,355,000</b>	<b>\$1,195,000</b>	<b>\$1,130,000</b>	<b>\$1,790,000</b>	<b>\$9,428,750</b>

## Major Funding Sources

	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	Total
Fund Balance- Renewal and Replacement	890,000	1,150,000	1,035,000	755,000	1,460,000	5,290,000
Fund Balance - New Capital	-	185,000	160,000	-	-	345,000
TLT Capital Reserves	1,898,750	975,000	-	375,000	330,000	3,578,750
Aramark Capital	170,000	45,000	-	-	-	215,000
<b>TOTAL EXPO CENTER</b>	<b>\$2,958,750</b>	<b>\$2,355,000</b>	<b>\$1,195,000</b>	<b>\$1,130,000</b>	<b>\$1,790,000</b>	<b>\$9,428,750</b>



Total Project Summary with Major Funding Sources

Exhibit A  
Resolution 17-4799

OREGON ZOO							
	ID	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	Total
<b>OREGON ZOO ASSET MANAGEMENT FUND (NEW CAPITAL)</b>							
Giraffe Feeding Station	ZOO66	400,000	-	-	-	-	400,000
Railroad Rolling Stock Replacement	ZRW193	350,000	350,000	-	-	-	700,000
Zoo New Capital < \$100K	ZOOTBD22	130,000	-	-	-	-	130,000
Amphitheatre Tier Remodel	ZOO77	110,000	-	-	-	-	110,000
Animal Area Cameras	ZOO78	100,000	100,000	100,000	100,000	100,000	500,000
<b>TOTAL OREGON ZOO ASSET MANAGEMENT FUND (NEW CAPITAL)</b>		<b>\$1,090,000</b>	<b>\$450,000</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$1,840,000</b>
<b>OREGON ZOO INFRASTRUCTURE/ANIMAL WELFARE FUND</b>							
Polar Bear Habitat	ZIP004	2,500,000	10,150,000	11,150,000	1,221,481	-	25,021,481
Primate & Rhino Habitat	ZIP005	2,500,000	5,250,000	9,019,160	-	-	16,769,160
Zoo Electrical Infrastructure	ZOOTBD04	1,000,000	-	-	-	-	1,000,000
Campus and Habitat Interpretive Design	ZIP013	250,733	-	-	-	-	250,733
One-Percent for Art Design and Installation	ZIP012	80,000	107,400	75,000	-	-	262,400
<b>TOTAL OREGON ZOO INFRASTRUCTURE/ANIMAL WELFARE FUND</b>		<b>\$6,330,733</b>	<b>\$15,507,400</b>	<b>\$20,244,160</b>	<b>\$1,221,481</b>	<b>\$0</b>	<b>\$43,303,774</b>
<b>OREGON ZOO ASSET MANAGEMENT FUND (RENEWAL AND REPLACEMENT)</b>							
ZOO R&R < \$100K		195,000	27,800	217,608	-	15,000	455,408
Roof Replacement Project	ZOOTBD07	673,000	650,000	650,000	650,000	650,000	3,273,000
TBD ZOO R&R Projects	ZOOTBD25	287,000	-	-	-	-	287,000
Fleet Replacement Program	700012	150,100	143,000	143,000	143,000	143,000	722,100
Life Support System Assessment	ZRW194	150,000	-	-	-	-	150,000
Cascade Crest Paint & Dry Rot Repair	ZRW195	120,000	-	-	-	-	120,000
Website Redesign	ZRW196	50,000	150,000	-	-	-	200,000
HVAC Upgrades	ZOOTBD10	-	-	-	670,000	-	670,000
Steller Cover Renovation	ZOO41	-	-	-	-	500,000	500,000
<b>TOTAL OREGON ZOO ASSET MANAGEMENT FUND (RENEWAL AND REPLACEMENT)</b>		<b>\$1,625,100</b>	<b>\$970,800</b>	<b>\$1,010,608</b>	<b>\$1,463,000</b>	<b>\$1,308,000</b>	<b>\$6,377,508</b>
<b>TOTAL OREGON ZOO (19 Projects)</b>		<b>\$9,045,833</b>	<b>\$16,928,200</b>	<b>\$21,354,768</b>	<b>\$2,784,481</b>	<b>\$1,408,000</b>	<b>\$51,521,282</b>

## Major Funding Sources

	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	Total
Fund Balance- New Capital	1,090,000	450,000	100,000	100,000	100,000	1,840,000
Fund Balance- Renewal and Replacement	1,625,100	970,800	1,010,608	1,463,000	1,308,000	6,377,508
G.O. Bonds- Zoo	6,330,733	15,507,400	20,244,160	1,221,481	-	43,303,774
<b>OREGON ZOO DEPARTMENT TOTAL</b>	<b>\$9,045,833</b>	<b>\$16,928,200</b>	<b>\$21,354,768</b>	<b>\$2,784,481</b>	<b>\$1,408,000</b>	<b>\$51,521,282</b>

## **FINANCIAL POLICIES**

In 2004 the Metro Council enacted Resolution No. 04-3465, “adopting comprehensive financial policies for Metro.” Each year as part of the annual budget adoption process the Metro Council reviews the financial policies which provide the framework for the overall fiscal management of the agency. Operating independently of changing circumstances and conditions, these policies are designed to help safeguard Metro’s assets, promote effective and efficient operations and support the achievement of Metro’s strategic goals. Recently the Governmental Accounting Standards Board (GASB) issued Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, which requires the Metro Council to make certain policy decisions regarding the use of resources and classifications of fund balance. In June 2010 the Metro Council took action to amend Metro’s Comprehensive Financial Policies to incorporate the GASB Statement No. 54 principles and to re-approve the policies. These changes are reflected in Budget and Financial Planning, section 2. These financial policies establish basic principles to guide Metro’s elected officials and staff in carrying out their financial duties and fiduciary responsibilities. The Chief Financial Officer shall establish procedures to implement the policies established in this document.

### **General policies**

1. Metro’s financial policies shall be reviewed annually by the Council and shall be published in the adopted budget.
2. Metro shall prepare its annual budget and Comprehensive Annual Financial Report consistent with accepted public finance professional standards.
3. The Chief Financial Officer shall establish and maintain appropriate financial and internal control procedures to assure the integrity of Metro’s finances.
4. Metro shall comply with all applicable state and federal laws and regulations concerning financial management and reporting, budgeting and debt administration.

### **Accounting, auditing and financial reporting**

1. Metro shall annually prepare and publish a Comprehensive Annual Financial Report including financial statements and notes prepared in conformity with generally accepted accounting principles as promulgated by the Governmental Accounting Standards Board.
2. Metro shall maintain its accounting records on a basis of accounting consistent with the annual budget ordinance.
3. Metro shall have an independent financial and grant compliance audit performed annually in accordance with generally accepted auditing standards.

### **Budgeting and financial planning**

1. As prescribed in Oregon budget law, total resources shall equal total requirements in each fund, including contingencies and fund balances. However, Metro considers a budget to be balanced whenever budgeted revenues equal or exceed budgeted expenditures. Beginning fund balances shall not be considered as revenue, nor shall contingencies or ending fund balances be considered expenditures, in determining whether a fund is in balance.
2. Metro shall maintain fund balance reserves that are appropriate to the needs of each fund. Targeted reserve levels shall be established and reviewed annually as part of the budget process. Use of fund balance to support budgeted operations in the General Fund, an operating fund, or a central service fund shall be explained in the annual budget document; such explanation shall describe the nature of the budgeted reduction in fund balance and its expected future impact. Fund balances in excess of future needs shall be evaluated for alternative uses.
  - a. The Metro Council delegates to the Chief Operating Officer the authority to assign (and un-assign) additional amounts intended to be used for specific purposes more narrow than the overall purpose of the fund established by Council. A schedule of such assignments shall be included within the adopted budget document.

- b. Metro considers restricted amounts to have been spent prior to unrestricted (committed, assigned, or unassigned) amounts when an expenditure is incurred for purposes for which both restricted and unrestricted amounts are available. Within unrestricted amounts, committed amounts are considered to have been spent first, followed by assigned amounts, and then unassigned amounts when an expenditure is incurred for purposes for which amounts in any of those unrestricted fund balance classifications could be used.
- c. The following information shall be specified by Council in the establishment of Stabilization Arrangements as defined in GASB Statement No. 54: a) the authority for establishing the arrangement (resolution or ordinance), b) the requirements, if any, for additions to the stabilization amount, c) the specific conditions under which stabilization amounts may be spent, and d) the intended stabilization balance.
3. Metro staff shall regularly monitor actual revenues and expenditures and report to Council at least quarterly on how they compare to budgeted amounts, to ensure compliance with the adopted budget. Any significant changes in financial status shall be timely reported to the Council.
4. Metro shall use its annual budget to identify and report on department or program goals and objectives and measures of performance.
5. A new program or service shall be evaluated before it is implemented to determine its affordability.
6. Metro shall authorize grant-funded programs and associated positions for a period not to exceed the length of the grant unless alternative funding can be secured.
7. Each operating fund will maintain a contingency account to meet unanticipated requirements during the budget year. The amount shall be appropriate for each fund.
8. Metro shall prepare annually a five-year forecast of revenues, expenditures, other financing sources and uses, and staffing needs for each of its major funds, identifying major anticipated changes and trends, and highlighting significant items which require the attention of the Council.
9. Metro will annually prepare a cost allocation plan prepared in accordance with applicable federal guidelines to maintain and maximize the recovery of indirect costs from federal grants, and to maintain consistency and equity in the allocation process.

#### **Capital asset management**

1. Metro shall budget for the adequate maintenance of capital equipment and facilities and for their orderly replacement, consistent with longer-term planning for the management of capital assets.
2. The Council's previously-adopted policies governing capital asset management are incorporated by reference into these policies.

#### **Cash management and investments**

1. Metro shall maintain an investment policy in the Metro Code, which shall be subject to annual review and re-adoption.
2. Metro shall schedule disbursements, collections and deposits of all funds to ensure maximum cash availability and investment potential.
3. Metro shall manage its investment portfolio with the objectives of safety of principal as the highest priority, liquidity adequate to needs as the second highest priority and yield from investments as its third highest priority.

#### **Debt management**

1. Metro shall issue long-term debt only to finance capital improvements, including land acquisition, that cannot be readily financed from current revenues, or to reduce the cost of long-term financial obligations.
2. Metro will not use short-term borrowing to finance operating needs unless specifically authorized by the Council.
3. Metro shall repay all debt issued within a period not to exceed the expected useful life of the improvements financed by the debt.
4. Metro shall fully disclose financial and pertinent credit information as it relates to Metro's outstanding securities.

5. Metro shall strive to obtain the highest credit ratings to ensure that borrowing costs are minimized and Metro's access to credit is preserved.
6. Equipment and vehicles should be financed using the least costly method, including comparison to direct cash expenditure. This applies to purchase using operating leases, capital leases, bank financing, company financing or any other purchase programs.
7. The Council's previously-adopted policies governing debt management (resolution 16-4689) are incorporated by reference into these policies.

## **Revenues**

1. Metro shall estimate revenues through an objective, analytical process.
2. Metro shall strive to maintain a diversified and balanced revenue system to protect it from short-term fluctuations in any one revenue source.
3. One-time revenues shall be used to support one-time expenditures or increase fund balance.
4. Metro shall pursue appropriate grant opportunities; however, before accepting any grant, Metro will consider the current and future implications of either accepting or rejecting it. The Chief Financial Officer may establish criteria to be used in evaluating the potential implications of accepting grants.

## **CAPITAL ASSET MANAGEMENT POLICIES**

### **Section 1: Purpose**

- 1.1 The Capital Asset Management Policies establish the framework for Metro's overall capital asset planning and management. They provide guidance for current practices and a framework for evaluation of proposals for future projects. These policies also seek to improve Metro's financial stability by providing a consistent approach to fiscal strategy. Metro's adopted financial policies show the credit rating industry and prospective investors (bond buyers) the agency's commitment to sound financial management and fiscal integrity. Adherence to adopted policies ensures the integrity and clarity of the financial planning process and can lead to improvement in bond ratings and lower cost of capital.
- 1.2 The capital asset planning process applies to projects of \$50,000 or more and having a useful life of at least five years. These projects include capital maintenance tasks that increase the life of the asset on assets with values of \$50,000 or more. In addition, the planning process includes information technology items over \$50,000 that may have a useful life of less than five years.
- 1.3 Metro's Capital Asset Management Policy shall be governed by the following principles:
  - 1.3.1 Metro shall operate and maintain its physical assets in a manner that protects the public investment and ensures achievement of their maximum useful life. Ensuring the maximum useful life for public assets is a primary agency responsibility. Establishing clear policies and procedures for monitoring, maintaining, repairing and replacing essential components of facilities is central to good management practices.
  - 1.3.2 Metro shall prepare, adopt and update at least annually a five-year Capital Improvement Plan (CIP). The Plan will identify and set priorities for all major capital assets to be acquired or constructed by Metro.
  - 1.3.3 Metro shall establish a Renewal and Replacement Reserve account for each operating fund responsible for major capital assets. Renewal and Replacement includes any activity that serves to extend the useful life or increase the efficiency of an existing asset, while retaining its original use. Ensuring that the public receives the

maximum benefit for its investments in major facilities and equipment requires an ongoing financial commitment.

- 1.3.4 Capital and renewal and replacement projects shall support Metro's MWESB procurement goals, including the Sheltered Market and FOTA program and the goals of Metro's Diversity Action Plan.
- 1.3.5 To the extent possible, improvement projects and major equipment purchases will be funded on a pay-as-you-go basis from existing or foreseeable revenue sources. Fund Balances above established reserve requirements may be used for one-time expenditures such as capital equipment or financing of capital improvements. Debt financing should be utilized only for new projects or complete replacement of major capital assets.
- 1.3.6 Capital and renewal and replacement projects should support implementation of Metro's Sustainability Plan.
- 1.3.7 Projects shall be analyzed in light of environmental, regulatory, economic, historical and cultural perspectives, as well as the capacity of the infrastructure and the availability of resources for ongoing maintenance needs.
- 1.3.8 All approved capital projects shall be consistent with relevant goals and strategic plans as adopted by departments, the Metropolitan Exposition Recreation Commission ("MERC"), or the Metro Council.
- 1.3.9 A financial feasibility analysis shall be performed before any capital project, regardless of cost, is submitted to the Metro Council, MERC Commission, Chief Operating Officer, or General Manager of Visitor Venues for approval. The financial feasibility analysis shall include an analysis of the financial impact on the operating fund balance, return on investment, the availability and feasibility of funding sources, and cost estimates for the capital project. The analysis shall also identify the financial impact of the following requirements:
  - 1.3.9.1 Any public art funding requirements imposed by the Metro Code, the facility's owner, or any other applicable law;
  - 1.3.9.2 All required licenses, permits, certificates, design approval documents, and similar documents required by any authority; and
  - 1.3.9.3 Any contractual or legal requirements that apply to the proposed capital project.
- 1.3.10 In the capital project planning and review process, the Metro Council, MERC Commission, Chief Operating Officer, and General Manager shall be guided by the following financing principles:
  - 1.3.10.1 Funds shall be expended only on capital projects that meet identified strategic priorities.
  - 1.3.10.2 Funds shall be expended only on capital projects for which an analysis of funding options has been conducted. This analysis shall include evaluation of all funding options (donations, revenue generation by the project, intrafund transfers, proposed borrowing), and an analysis of the capital project's strategic priority, useful life, revenue sources, and repayment options.
  - 1.3.10.3 Funds shall be expended only on new projects that include identified and protected funding sources for a renewal and replacement reserve to ensure that the value of the capital asset can be maintained.
  - 1.3.10.4 Funds shall be expended only on projects for which a funding source for operational requirements has been identified.
  - 1.3.10.5 Metro's Adopted Budget should include undesignated contingency funds to permit MERC and other departments with capital project responsibilities to respond to unexpected events or opportunities.

## **Section 2: Definitions**

- 2.1 Capital asset – An item permanent in nature with future service capacity and used in operations, having an initial useful life of over one year, tangible or intangible, and held for purposes other than investment or resale with a cost

(or fair market value if donated) equal to or greater than the capitalization threshold established for the asset category included later in this policy.

2.2 Capital maintenance – Expenditures for repair and maintenance services not provided directly by Metro personnel.

These costs are relatively minor alterations, ordinary and routine repair or effort necessary to preserve or repair an asset due to normal wear and tear so that it achieves its initial planned useful life. While not capitalized, significant capital maintenance projects (those with costs equal to or greater than \$50,000) must be included in the CIP and obtain Council authorization.

2.3 Total cost accounting – An analysis that includes the total initial acquisition cost of an asset as well as all operating costs for the expected useful life of the asset.

2.4 Renewal and replacement – Construction, reconstruction or major renovation on capital assets. Renewal and replacement does not include relatively minor alteration, ordinary repair or maintenance necessary to preserve or repair an asset.

2.5 Return on investment (ROI) – A calculation of the financial gains or benefits that can be expected from a project. ROI is represented as a ratio of the expected financial gains (benefits) of a project divided by its total costs.

### **Section 3: New Capital Projects**

3.1 All new capital projects over \$50,000 must be approved as part of the annual budget process. New project requests must comply with any other applicable Metro program or process requirements, including all Construction Project Management Office requirements and Metro's Green Building Policy.

3.2 New projects over \$50,000 identified during the course of the fiscal year require approval as follows:

3.2.1 If the project does not require additional budgetary authority, the project may be approved by the Chief Operating Officer, or their designee.

3.2.2 If the project requires additional budgetary authority, the project must be approved by the Metro Council.

3.2.3 For Capital projects with a total anticipated cost of less than \$100,000 at the MERC venues, the General Manager of Visitor Venues may approve the project if sufficient budgetary authority is available.

3.2.4 Any capital project at the MERC venues with a total anticipated cost of \$100,000 or more also requires approval by the MERC Commission.

3.3 Emergency capital projects may be approved as follows:

3.3.1 The Chief Operating Office or their designee may approve capital projects with a total anticipated cost of \$50,000 or more.

3.3.2 The MERC Commission delegates to the General Manager or their designee the authority to approve capital projects with a total anticipated cost of \$100,000 or more.

3.3.3 In the event an emergency capital project is approved, that approval shall be reported as follows:

3.3.3.1 The Chief Operating Officer shall report the approval to the Metro Council.

3.3.3.2 The General Manager shall report the approval to the MERC Commission at the next regular Commission Meeting.

### **Section 4: Renewal and Replacement**

4.1 The intent of Renewal and Replacement reserves is to ensure that sufficient resources are available for capital maintenance or replacement so that Metro's capital assets meet or exceed their estimated useful life. The Renewal and

Replacement Reserve for each operating fund with major capital assets should initially be established based on the value of the asset and consideration of known best asset management practices.

4.2 General Guidelines – Renewal and replacement reserves and projects should be managed according to the following guidelines:

4.2.1 Renewal and replacement reserves are not intended to fund major capital assets such as building replacements or significant structural upgrades.

4.2.2 Renewal and replacement reserves are not intended to fund routine maintenance activities. Routine maintenance should be included in facility operating budgets. If routine maintenance costs for an asset are increasing, renewal and replacement projects may be moved forward in the schedule if the project can be shown to reduce operating and/or maintenance costs.

4.2.3 Facility managers should perform annual facility assessments to review renewal and replacement schedules.

4.2.4 All renewal and replacement projects should incorporate sustainability features that support Metro's sustainability goals, support adopted policies such as the Green Building Policy and Sustainable Procurement Policy and be evaluated on a total cost accounting basis relative to less sustainable options.

4.2.5 New capital projects should be added to renewal and replacement lists upon completion. Asset replacement costs shall initially be based on original asset costs. In future revisions, replacement costs shall be based on acquiring a new asset of equal utility. Increased sustainability features such as efficiency improvements or design changes (e.g. green roof vs. traditional roof design) are not increases in asset utility. Increased estimated replacement costs based on new or improved sustainability features shall be considered in the budget process.

4.2.6 On an annual basis, the Finance and Regulatory Services Director shall determine the minimum asset value for projects to be included in renewal and replacement reserves.

4.2.7 For General Fund assets, the renewal and replacement reserves should be managed to ensure sufficient funding is available to complete all projects for the next 10 years. Enterprise fund renewal and replacement accounts should be managed to ensure that annual contributions are sufficient to fund renewal and replacement projects on an ongoing basis.

4.3 Budget Process – During the annual budget process, Department Directors shall submit a list of proposed renewal and replacement projects as part of the annual budget process. The renewal and replacement project lists shall include:

4.3.1 Cost estimates for all renewal and replacement projects (including projects carried forward from the prior year) that can be reasonably expected to be completed in the following fiscal year.

4.3.2 Cost estimates for design and/or engineering work necessary to develop the scope and cost of construction project estimates for future renewal and replacement projects.

4.3.3 Any projects with cost estimates above previous replacement cost estimates based on the inclusion of sustainability features in the project design that increase the initial cost of the project.

4.4 Renewal and replacement projects shall be included in aggregate in the Capital Improvement Plan for the Proposed Budget for Council Review.

4.5 Capital Asset Advisory Committee

4.5.1 The Capital Asset Advisory Committee is responsible for providing recommendations to the Director of Finance and Regulatory Services and the Financial Planning Division on the ongoing management of the renewal and replacement reserves for each major fund. The Advisory Committee shall be composed of the following positions (or Designee):

- Capital Budget Coordinator, Finance and Regulatory Services (Chair)

- Finance Manager, Oregon Zoo
- Finance Manager, MERC Venues
- Finance Manager, Parks and Environmental Services (PES)/Sustainability Center
- Program Director, Parks and Property Stewardship (PES)
- Program Director, Solid Waste Operations (PES)
- Program Director, Natural Areas Program (Sustainability Center)
- Deputy Director, Oregon Zoo Operations
- cPMO Manager, Agency Construction Projects
- Director, Information Services Department

4.5.2 The Committee's responsibilities shall include:

- 4.5.2.1 Reviewing project lists, changes to project lists and requests for unfunded sustainability improvements to existing projects not already approved by a Budget Committee or other formal advisory group.
- 4.5.2.2 Providing a recommended renewal and replacement list to the Finance and Regulatory Services Director for inclusion in the Proposed Budget.
- 4.5.2.3 Providing an annual recommendation to the Finance and Regulatory Services Director for the minimum asset value for the following year.
- 4.5.2.4 Reviewing the Capital Asset Management Policies annually.

## **Section 5: Capital Improvement Plan (CIP)**

- 5.1 Metro will prepare, adopt and update at least annually a five-year Capital Improvement Plan (CIP). The plan will identify and set priorities for all major capital assets to be acquired or constructed by Metro. The first year of the adopted CIP shall be included in the Proposed Budget. The CIP includes all Capital and Renewal and Replacement projects with a budget of \$100,000 or more.
- 5.2 Updates to the CIP may be made at any point during the fiscal year. Updates are required under the following circumstances:
- 5.2.1 New projects (over \$100,000) that are identified during the fiscal year and need to be initiated prior to the next fiscal year.
  - 5.2.2 Actual or anticipated expenses for projects included in the current year adopted budget increase more than 20% above the original project budget if the original budget amount is less than or equal to \$1,000,000 or 10% if the original budget amount is greater than \$1,000,000.
  - 5.2.3 Actual or anticipated expenses for projects included in the current year adopted budget require an increase in budget appropriation, regardless of the amount of increase above the original project budget.

## **Section 6: Sustainability**

- 6.1 All project proposals for new capital projects and renewal and replacement projects shall describe how the project supports Metro's Sustainability Plan in its efforts to reduce the environmental impact of Metro operations. When assessing capital or renewal and replacement projects for funding or prioritization, the following sustainability criteria should be applied:
- 6.1.1 Use total cost of ownership to create project budget projections that consider the costs of operating the asset for its entire useful life, not just the initial costs.



- 6.1.2 Utilize the prioritization criteria in Metro's Sustainability Plan:
  - 6.1.2.1 Strong impacts on Metro's sustainability goals (greenhouse gas emissions, toxics, waste, water quality and habitat).
  - 6.1.2.2 Provide a strong foundation for future sustainable operations work.
  - 6.1.2.3 Leverage other investments (internal or external).
  - 6.1.2.4 Present a strong return on investment (ROI).
  - 6.1.2.5 Reduce operations and maintenance costs over time.
  - 6.1.2.6 Provide strong public visibility and/or public education opportunity.
  - 6.1.2.7 Support the region's economy.
- 6.1.3 Support the requirements and preferred qualifications of Metro's Green Building and Sustainable Procurement administrative procedures.
- 6.1.4 Prioritize projects that, through their implementation, support Metro's MWESB procurement goals, including the Sheltered Market and FOTA programs and related goals of Metro's Diversity Action Plan.
- 6.1.5 Consider economic benefits or return on investment (i.e. simple payback) on projects that have a financial benefit to Metro over the life of the investment.
- 6.2 Capital and renewal and replacement projects should be incorporated into the site-specific work plans developed for each facility that indicate how the Sustainability Plan will be implemented.

## **Section 7: Reporting**

- 7.1 Capital project budget and actual reporting and status reports shall be provided as follows:
  - 7.1.1 Departments shall report to the Chief Operating Officer or designee quarterly.
  - 7.1.2 The General Manager shall report to the MERC Commission quarterly.
  - 7.1.3 The Director of Finance and Regulatory Services shall report to the Metro Council twice annually.

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 17-4799, FOR THE PURPOSE OF ADOPTING THE CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 2017-18 THROUGH 2021-22, APPROVING THE METROPOLITAN TOURISM OPPORTUNITY COMPETITIVENESS PROJECTS AND RE-ADOPTING METRO'S FINANCIAL POLICIES

Date: June 22, 2017

Presented by: Tim Collier, Director, Finance and Regulatory Services

## BACKGROUND

A. The Capital Improvement Plan (CIP) for Fiscal Years 2017-18 through 2021-22 represents Metro's long-range capital planning process. Exhibit A provides a listing of the CIP projects and their major funding sources. The resolution approves the entire five-year capital plan and directs that projects for FY 2017-18 be approved, and project expenditures for FY 2017-18 be appropriated, as amended, in the FY 2017-18 budget. If a project comes up unexpectedly during the year, departments must follow the amendment process to submit the project to Council for approval.

The table below shows the number of projects by department; Exhibit A to the Resolution shows the individual projects by department.

	Total Projects	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	Total
Information Services	16	2,591,939	786,245	496,181	572,096	585,928	5,032,389
Property and Environmental Services	30	7,974,156	2,716,450	2,521,268	422,555	165,082	13,799,511
Parks and Nature	43	22,047,844	21,126,418	11,406,655	853,335	1,115,376	56,549,628
Visitor Venues- MERC	88	14,276,750	43,395,000	5,205,000	4,870,000	3,930,000	71,676,750
Visitor Venues- Oregon Zoo	19	9,045,833	16,928,200	21,354,768	2,784,481	1,408,000	51,521,282
<b>TOTAL</b>	<b>196</b>	<b>55,936,522</b>	<b>84,952,313</b>	<b>40,983,872</b>	<b>9,502,467</b>	<b>7,204,386</b>	<b>198,579,560</b>

B. This resolution also provides for the annual review and re-adoption of Metro's financial policies, including the Capital Asset Management Policies that are incorporated by reference. The policies are attached as Exhibit B to the resolution. The Council adopted an updated version of the Capital Asset Management Policies in October 2013. No further changes are recommended.

The current financial policies address six specific areas of financial management as well as a series of general policies. Several of these simply echo federal or state laws and regulations, or establish as policy certain practices that are currently in place. Highlights of those policies include:

- The policies will be reviewed annually by the Council and published in the adopted budget.
- A definition of a balanced budget is one in which current year revenues meet or exceed current year expenditures.
- Any use of fund balance in an operating fund will be fully explained in the adopted budget document.
- A study to assess the affordability of any new program will be done before the program is implemented.
- The Council's existing capital asset management policies are incorporated into this document, by reference.
- One-time revenues will be used to pay for one-time costs or add to fund balance.

C. This action also approves the Metro Tourism Opportunity and Competitiveness Account (MTOCA) funding at the Portland Expo Center (\$400,000) for FY 2017-18. The MTOCA funds are appropriated in the General Fund and transferred to MERC as part of the annual budget process. The Expo Center will use the funding to support indirect operating costs in accordance with the MTOCA Resolution parameters.

## **ANALYSIS/INFORMATION**

1. **Known Opposition:** None.
2. **Legal Antecedents:** Metro's adopted financial policies require the annual adoption of a Capital Improvement Plan.
3. **Anticipated Effects:** The resolution signifies the Council has reviewed and approved the CIP covering FYs 2017-18 through 2021-22.

The cost of the 196 projects planned during the five years covered by this CIP is estimated to be \$198.6 million.

This resolution is the formal instrument by which the five-year plan will be adopted. Projects with planned expenditures in FY 2017-18 will be incorporated into the adopted budget.

This resolution is the formal instrument to approve the Metro Tourism Opportunity and Competitiveness Account funding for FY 2017-18.

4. **Budget Impacts:** The plan's FY 2017-18 expenditures (\$55.9 million) will be appropriated in the FY 2017-18 Adopted Budget.

## **RECOMMENDED ACTION**

Resolution No. 17-4799 is an important component of the annual budget process. The Chief Operating Officer recommends adoption.

Agenda Item No. 4.5

**Resolution No. 17-4769B**, For the Purpose of Adopting  
the Annual Budget for Fiscal Year 2017-18, Making  
Appropriations and Levying Ad Valorem Taxes

*Resolutions*

Metro Council Meeting  
Thursday, June 22, 2017  
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE ANNUAL	)	RESOLUTION NO 17-4769B
BUDGET FOR FISCAL YEAR 2017-18, MAKING	)	
APPROPRIATIONS AND LEVYING AD VALOREM	)	Introduced by Martha Bennett, Chief
TAXES	)	Operating Officer, with the concurrence of
	)	Council President Tom Hughes

WHEREAS, the Multnomah County Tax Supervising and Conservation Commission held its public hearing on the annual Metro budget for the fiscal year beginning July 1, 2017, and ending June 30, 2018; and

WHEREAS, recommendations from the Multnomah County Tax Supervising and Conservation Commission have been received by Metro (attached as Exhibit A and made a part of the Resolution) and considered; now, therefore,

BE IT RESOLVED,

1. The "Fiscal Year 2017-18 Metro Budget," in the total amount of SIX HUNDRED FORTY SIX MILLION THREE HUNDRED TWENTY SIX THOUSAND FOURHUNDRED AND ONE DOLLARS (646,326,401 ), attached hereto as Exhibit B, and the Schedule of Appropriations, attached hereto as Exhibit C, are hereby adopted.

2. The Metro Council does hereby levy ad valorem taxes, as provided in the budget adopted by Section 1 of this Resolution, at the rate of \$0.0966 per ONE THOUSAND DOLLARS (\$1,000) of assessed value for operating rate levy; at the rate of \$0.0960 per ONE THOUSAND DOLLARS (\$1,000) of assessed values for local option rate levy and in the amount of THIRTY FIVE MILLION EIGHT HUNDRED NINETY SEVEN THOUSAND ONE HUNDRED SIXTEEN (\$35,897,116) for general obligation bond debt, said taxes to be levied upon taxable properties within the Metro District for the fiscal year 2017-18. The following allocation and categorization subject to the limits of Section 11b, Article XI of the Oregon Constitution constitute the above aggregate levy.

SUMMARY OF AD VALOREM TAX LEVY

	Subject to the General Government <u>Limitation</u>	Excluded from <u>the Limitation</u>
Operating Tax Rate Levy	\$0.0966/\$1,000	
Local Option Tax Rate Levy	\$0.0960/\$1,000	
General Obligation Bond Levy		\$35,897,116

3. In accordance with Section 2.02.040 of the Metro Code, the Metro Council hereby authorizes positions and expenditures in accordance with the Annual Budget adopted by Section 1 of this Resolution, and hereby appropriates funds for the fiscal year beginning July 1, 2017, from the funds and for the purposes listed in the Schedule of Appropriations, Exhibit C.

4. The Chief Operating Officer shall make the filings as required by ORS 294.458 and ORS 310.060, or as requested by the Assessor's Office of Clackamas, Multnomah, and Washington Counties.

ADOPTED by the Metro Council on this 22<sup>nd</sup> day of June 2017.

---

Tom Hughes, Council President

APPROVED AS TO FORM:

---

Alison Kean, Metro Attorney

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE ANNUAL BUDGET FOR FISCAL YEAR 2017-18, MAKING APPROPRIATIONS AND LEVYING AD VALOREM TAXES ) RESOLUTION NO 17-~~4769A~~4769B  
) Introduced by Martha Bennett, Chief  
) Operating Officer, with the concurrence of  
) Council President Tom Hughes

WHEREAS, the Multnomah County Tax Supervising and Conservation Commission held its public hearing on the annual Metro budget for the fiscal year beginning July 1, 2017, and ending June 30, 2018; and

WHEREAS, recommendations from the Multnomah County Tax Supervising and Conservation Commission have been received by Metro (attached as Exhibit A and made a part of the Resolution) and considered; now, therefore,

BE IT RESOLVED,

1. The "Fiscal Year 2017-18 Metro Budget," in the total amount of SIX HUNDRED FORTY ~~SIXTWO~~ MILLION ~~THREEONE~~ HUNDRED ~~TWENTY SIXSEVENTY SEVEN~~ THOUSAND ~~FOURSIX~~-HUNDRED AND ~~ONETWENTY THREE~~ DOLLARS (~~646,326,401~~ 642,177,623), attached hereto as Exhibit B, and the Schedule of Appropriations, attached hereto as Exhibit C, are hereby adopted.

2. The Metro Council does hereby levy ad valorem taxes, as provided in the budget adopted by Section 1 of this Resolution, at the rate of \$0.0966 per ONE THOUSAND DOLLARS (\$1,000) of assessed value for operating rate levy; at the rate of \$0.0960 per ONE THOUSAND DOLLARS (\$1,000) of assessed values for local option rate levy and in the amount of THIRTY FIVE MILLION EIGHT HUNDRED NINETY SEVEN THOUSAND ONE HUNDRED SIXTEEN (\$35,897,116) for general obligation bond debt, said taxes to be levied upon taxable properties within the Metro District for the fiscal year 2017-18. The following allocation and categorization subject to the limits of Section 11b, Article XI of the Oregon Constitution constitute the above aggregate levy.

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ADOPTED by the Metro Council on this 22<sup>nd</sup> day of June 2017.

---

Tom Hughes, Council President

APPROVED AS TO FORM:

---

Alison Kean, Metro Attorney



Exhibit A  
Resolution 17-4769B



**Tax Supervising  
& Conservation  
Commission**

PO Box 8428  
Portland, Oregon  
97207-8428

Telephone (503) 988-3054

Fax: (503) 988-3053

E-Mail:  
TSCC@multco.us

Web Site:  
[www.tscmultco.com/tsc/](http://www.tscmultco.com/tsc/)

June 8, 2017

Metro Council  
600 NE Grand Avenue  
Portland , Oregon 97232

Dear President Hughes and Councilors:

The Tax Supervising and Conservation Commission met on June 8, 2017 to review, discuss and conduct a public hearing on Metro's 2017-18 Approved Budget. This hearing was conducted pursuant to ORS 294.605 to 294.705 to confirm compliance with applicable laws and to determine the adequacy of estimates necessary to support efficient and economical administration of the district.

The budget was filed timely on May 9, 2017. The Commission hereby certifies by a majority vote of members of the Commission that it has no objections or recommendations to make with respect to the budget.

The Commission noted one budget law violation. This occurred at the end of the 2015-16 budget year. An actuarial review of liability claims resulted in a large increase on a claims reserve. The actuarial review was completed after the budget year ended but before the final year-end closing entries were made. Thus, expenditures were increased too late for a budget change. The district has changed its claims review schedule to eliminate this situation in the future. See the attached letter for full explanation. The Commission will require no more response to this issue.

For 2017-18, estimates were judged to be reasonable for the purpose shown and the document was found to be in substantial compliance with Local Budget Law. The budget estimates and levy amounts, as shown in the approved budget, are shown on the attached page.

Please file a complete copy of the adopted budget with the Commission no later than August 31, 2017.

**Commissioners**

David Barringer, Chair  
Brendan P. Watkins  
Margo Norton  
James Ofsink  
Mark Wubbold

Exhibit A  
Resolution 17-4769B

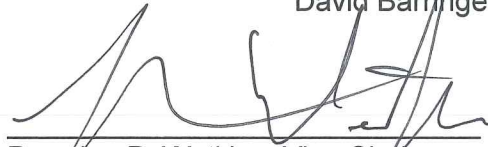
Metro  
2017-18 Approved Budget

June 8, 2017

We appreciate having the opportunity to discuss this budget with you.


Yours very truly,  
TAX SUPERVISING & CONSERVATION COMMISSION

  
David Barringer, Chair

  
Brendan P. Watkins, Vice Chair

  
Margo Norton, Commissioner

  
James Ofsink, Commissioner

  
Mark Wubbold, Commissioner

	Budget Estimates	Unappropriated Portion
General Fund	\$112,004,758	\$28,652,605
General Asset Management Fund	16,427,844	0
General Obligation Bond Debt Service Fund	34,969,775	0
General Revenue Bond Fund	87,982,801	4,009,658
MERC Fund	133,686,474	0
Natural Areas Fund	25,266,530	1,670,121
Parks & Natural Areas Local Option Levy Fund	20,771,942	0
Open Spaces Fund	339,828	0
Oregon Zoo Infrastructure & Animal Welfare Bond Fund	33,486,978	17,028,010
Oregon Zoo Operating Fund	42,128,179	0
Oregon Zoo Asset Management Fund	5,249,500	0
Cemetery Perpetual Care Fund	660,638	610,638
Community Enhancement Fund	2,275,094	0
Risk Management Fund	4,052,248	45,517
Smith & Bybee Wetlands Fund	2,679,950	1,177,440
Solid Waste Revenue Fund	120,195,084	29,866,723
<b>Total Budget Estimates</b>	<b>\$642,177,623</b>	<b>\$83,060,712</b>

**Property Tax Levies, as approved by Budget Committee:**

Permanent Rate – General Government                      \$0.0966 / \$ 1,000 AV

Parks/Natural Areas Local Option – General Government   \$0.0960 / \$1,000 AV

Debt Service - Not Subject to Limit                                \$35,897,116

**Exhibit B**  
**Resolution 17-4769**  
**Budget Summary**

	<b>Audited FY 2014-15</b>	<b>Audited FY 2015-16</b>	<b>Amended FY 2016-17</b>	<b>Proposed FY 2017-18</b>	<b>Approved FY 2017-18</b>	<b>Adopted FY 2017-18</b>	<b>Change From 2016-17</b>
<b>RESOURCES</b>							
Beginning Fund Balance	244,425,650	227,677,373	247,081,394	232,386,433	244,886,433	247,528,697	0.18%
<b>Current Revenues</b>							
Excise Tax	16,587,938	18,144,768	18,275,740	18,113,406	18,113,406	18,113,406	(0.89%)
Construction Excise Tax	2,669,188	3,338,479	2,549,000	3,991,000	3,991,000	3,991,000	56.57%
Real Property Taxes	61,790,542	55,397,507	59,060,934	63,393,852	63,393,852	63,393,852	7.34%
Other Tax Revenues	48,335	46,712	50,000	43,000	43,000	43,000	(14.00%)
Interest Earnings	1,330,127	2,275,115	1,609,235	1,754,043	1,754,043	1,754,043	9.00%
Grants	18,127,885	9,104,452	10,701,806	10,176,230	10,176,230	10,264,821	(4.08%)
Local Government Shared Revenues	19,654,340	22,136,148	19,532,729	25,443,586	25,443,586	30,943,586	58.42%
Contributions from Governments	4,208,511	4,671,016	8,410,017	10,508,378	10,508,378	5,343,378	(36.46%)
Licenses and Permits	393,796	507,560	475,000	629,124	629,124	629,124	32.45%
Charges for Services	133,951,752	148,140,075	146,991,924	155,207,473	155,207,473	155,869,439	6.04%
Contributions from Private Sources	7,832,885	1,589,439	1,858,863	2,247,235	2,247,235	2,550,235	37.19%
Internal Charges for Services	324,899	261,427	203,088	245,535	245,535	245,535	20.90%
Miscellaneous Revenue	1,543,551	2,638,163	1,642,905	935,676	935,676	935,676	(43.05%)
Other Financing Sources	43,819	354,870	-	-	-	-	0.00%
Bond Proceeds	64,735,891	33,479,164	68,000,000	-	62,000,000	62,000,000	(8.82%)
<b>Subtotal Current Revenues</b>	<b>333,243,460</b>	<b>302,084,894</b>	<b>339,361,241</b>	<b>292,688,538</b>	<b>354,688,538</b>	<b>356,077,095</b>	<b>4.93%</b>
<b>Interfund Transfers</b>							
Internal Service Transfers	2,059,900	4,587,185	6,194,046	5,950,756	5,950,756	5,068,713	(18.17%)
Interfund Reimbursements	14,113,695	15,935,080	16,556,552	16,831,562	16,831,562	16,831,562	1.66%
Interfund Loans	1,731,150	1,932,993	2,666,067	860,912	860,912	860,912	(67.71%)
Fund Equity Transfers	20,545,926	27,538,647	27,406,301	18,959,422	18,959,422	19,959,422	(27.17%)
<b>Subtotal Interfund Transfers</b>	<b>38,450,671</b>	<b>49,993,905</b>	<b>52,822,966</b>	<b>42,602,652</b>	<b>42,602,652</b>	<b>42,720,609</b>	<b>(19.12%)</b>
<b>TOTAL RESOURCES</b>	<b>\$616,119,781</b>	<b>\$579,756,172</b>	<b>\$639,265,601</b>	<b>\$567,677,623</b>	<b>\$642,177,623</b>	<b>\$646,326,401</b>	<b>1.10%</b>
<b>REQUIREMENTS</b>							
<b>Current Expenditures</b>							
Personnel Services	83,944,515	90,552,133	98,473,394	103,835,760	103,835,760	104,597,790	6.22%
Materials and Services	113,004,845	119,906,114	211,291,036	140,372,900	216,427,900	219,410,128	3.84%
Capital Outlay	46,502,991	28,764,397	57,979,439	59,018,634	59,018,634	59,687,284	2.95%
Debt Service	106,539,386	34,714,050	35,974,577	44,899,768	44,899,768	44,899,768	24.81%
<b>Subtotal Current Expenditures</b>	<b>349,991,737</b>	<b>273,936,693</b>	<b>403,718,446</b>	<b>348,127,062</b>	<b>424,182,062</b>	<b>428,594,970</b>	<b>6.16%</b>
<b>Interfund Transfers</b>							
Internal Service Transfers	2,059,900	4,587,185	6,194,046	5,950,756	5,950,756	5,068,713	(18.17%)
Interfund Reimbursements	14,113,695	15,935,080	16,556,552	16,831,562	16,831,562	16,831,562	1.66%
Fund Equity Transfers	20,545,926	27,538,647	27,406,301	18,959,422	18,959,422	19,959,422	(27.17%)
Interfund Loans	1,731,150	1,932,993	2,666,067	860,912	860,912	860,912	(67.71%)
<b>Subtotal Interfund Transfers</b>	<b>38,450,671</b>	<b>49,993,905</b>	<b>52,822,966</b>	<b>42,602,652</b>	<b>42,602,652</b>	<b>42,720,609</b>	<b>(19.12%)</b>
Contingency	-	-	86,980,258	92,332,197	92,332,197	91,959,726	5.72%
Unappropriated Fund Balance	227,677,373	255,825,574	95,743,931	84,615,712	83,060,712	83,051,096	(13.26%)
<b>Subtotal Contingency/Ending Balance</b>	<b>227,677,373</b>	<b>255,825,574</b>	<b>182,724,189</b>	<b>176,947,909</b>	<b>175,392,909</b>	<b>175,010,822</b>	<b>(4.22%)</b>
<b>TOTAL REQUIREMENTS</b>	<b>\$616,119,781</b>	<b>\$579,756,172</b>	<b>\$639,265,601</b>	<b>\$567,677,623</b>	<b>\$642,177,623</b>	<b>\$646,326,401</b>	<b>1.10%</b>
<b>FULL-TIME EQUIVALENTS</b>	<b>811.80</b>	<b>844.05</b>	<b>860.66</b>	<b>865.71</b>	<b>865.71</b>	<b>879.31</b>	<b>2.17%</b>
<b>FTE CHANGE FROM FY 2016-17 AMENDED BUDGET</b>							<b>18.65</b>



**Exhibit C**  
**Resolution 17-4769**  
**FY 2017-18 Schedule of Appropriations**

	<b>Proposed Budget</b>	<b>Approved Budget</b>	<b>Adopted Budget</b>	<b>Change from Approved</b>
<b>GENERAL FUND</b>				
Council	4,764,725	4,764,725	4,870,875	106,150
Office of the Auditor	751,334	751,334	751,334	-
Office of Metro Attorney	2,602,771	2,602,771	2,602,771	-
Information Services	5,248,217	5,248,217	5,338,674	90,457
Communications	1,850,922	1,850,922	1,933,422	82,500
Finance and Regulatory Services	5,382,456	5,382,456	5,382,456	-
Human Resources	3,016,714	3,016,714	3,016,714	-
Property and Environmental Services	2,538,868	2,538,868	2,548,484	9,616
Parks and Nature	11,565,656	11,565,656	11,724,456	158,800
Planning and Development Department	15,717,033	15,717,033	16,599,483	882,450
Research Center	4,245,501	4,245,501	4,523,501	278,000
Special Appropriations	3,935,284	3,935,284	4,329,429	394,145
Non-Departmental				-
Debt Service	2,011,850	2,011,850	2,011,850	-
Interfund Transfers	17,315,624	17,315,624	17,315,624	-
Contingency	2,405,198	2,405,198	2,375,198	(30,000)
<i>Total Appropriations</i>	83,352,153	83,352,153	85,324,271	1,972,118
Unappropriated Balance	28,652,605	28,652,605	28,642,989	(9,616)
<b>Total Fund Requirements</b>	<b>\$112,004,758</b>	<b>\$112,004,758</b>	<b>\$113,967,260</b>	<b>\$1,962,502</b>
<b>CEMETERY PERPETUAL CARE FUND</b>				
Non-Departmental				-
Interfund Transfers	50,000	50,000	50,000	-
<i>Total Appropriations</i>	50,000	50,000	50,000	-
Unappropriated Balance	610,638	610,638	610,638	-
<b>Total Fund Requirements</b>	<b>\$660,638</b>	<b>\$660,638</b>	<b>\$660,638</b>	<b>\$0</b>
<b>COMMUNITY ENHANCEMENT FUND</b>				
Property and Environmental Services	1,308,706	1,308,706	1,308,706	-
Non-Departmental				-
Interfund Transfers	872,388	872,388	872,388	-
Contingency	94,000	94,000	94,000	-
<i>Total Appropriations</i>	2,275,094	2,275,094	2,275,094	-
<b>Total Fund Requirements</b>	<b>\$2,275,094</b>	<b>\$2,275,094</b>	<b>\$2,275,094</b>	<b>\$0</b>
<b>GENERAL ASSET MANAGEMENT FUND</b>				
Asset Management Program	10,198,239	10,198,239	10,171,239	(27,000)
Non-Departmental				-
Interfund Transfers	222,500	222,500	222,500	-
Contingency	6,007,105	6,007,105	6,007,105	-
<i>Total Appropriations</i>	16,427,844	16,427,844	16,400,844	(27,000)
<b>Total Fund Requirements</b>	<b>\$16,427,844</b>	<b>\$16,427,844</b>	<b>\$16,400,844</b>	<b>(\$27,000)</b>
<b>GENERAL OBLIGATION DEBT SERVICE FUND</b>				
Non-Departmental				-
Debt Service	34,969,775	34,969,775	34,969,775	-
<i>Total Appropriations</i>	34,969,775	34,969,775	34,969,775	-
<b>Total Fund Requirements</b>	<b>\$34,969,775</b>	<b>\$34,969,775</b>	<b>\$34,969,775</b>	<b>\$0</b>
<b>GENERAL REVENUE BOND FUND</b>				
Bond Accounts	-	76,055,000	76,055,000	-
Bond Account				-
Debt Service	7,918,143	7,918,143	7,918,143	-
<i>Total Appropriations</i>	7,918,143	83,973,143	83,973,143	-
Unappropriated Balance	5,564,658	4,009,658	4,009,658	-
<b>Total Fund Requirements</b>	<b>\$13,482,801</b>	<b>\$87,982,801</b>	<b>\$87,982,801</b>	<b>\$0</b>

## FY 2017-18 Schedule of Appropriations

	Proposed Budget	Approved Budget	Adopted Budget	Change from Approved
<b>MERC FUND</b>				
MERC	72,872,261	72,872,261	73,395,537	523,276
Non-Departmental				
Interfund Transfers	5,824,912	5,824,912	5,830,412	5,500
Contingency	54,989,301	54,989,301	55,122,491	133,190
<i>Total Appropriations</i>	133,686,474	133,686,474	134,348,440	661,966
<b>Total Fund Requirements</b>	<b>\$133,686,474</b>	<b>\$133,686,474</b>	<b>\$134,348,440</b>	<b>\$661,966</b>
<b>NATURAL AREAS FUND</b>				
Parks and Nature	16,615,947	16,615,947	16,766,257	150,310
Non-Departmental				
Interfund Transfers	2,980,462	2,980,462	2,980,462	-
Contingency	4,000,000	4,000,000	4,000,000	-
<i>Total Appropriations</i>	23,596,409	23,596,409	23,746,719	150,310
Unappropriated Balance	1,670,121	1,670,121	1,670,121	-
<b>Total Fund Requirements</b>	<b>\$25,266,530</b>	<b>\$25,266,530</b>	<b>\$25,416,840</b>	<b>\$150,310</b>
<b>OPEN SPACES FUND</b>				
Parks and Nature	339,828	339,828	339,828	-
<i>Total Appropriations</i>	339,828	339,828	339,828	-
<b>Total Fund Requirements</b>	<b>\$339,828</b>	<b>\$339,828</b>	<b>\$339,828</b>	<b>\$0</b>
<b>OREGON ZOO ASSET MANAGEMENT FUND</b>				
Visitor Venues - Oregon Zoo	5,112,100	5,112,100	5,415,100	303,000
Non-Departmental				
Contingency	137,400	137,400	137,400	-
<i>Total Appropriations</i>	5,249,500	5,249,500	5,552,500	303,000
<b>Total Fund Requirements</b>	<b>\$5,249,500</b>	<b>\$5,249,500</b>	<b>\$5,552,500</b>	<b>\$303,000</b>
<b>OREGON ZOO INFRASTRUCTURE/ANIMAL WELFARE FUND</b>				
Visitor Venues - Oregon Zoo	12,678,074	12,678,074	12,678,074	-
Non-Departmental				
Interfund Transfers	515,894	515,894	515,894	-
Contingency	3,265,000	3,265,000	3,265,000	-
<i>Total Appropriations</i>	16,458,968	16,458,968	16,458,968	-
Unappropriated Balance	17,028,010	17,028,010	17,028,010	-
<b>Total Fund Requirements</b>	<b>\$33,486,978</b>	<b>\$33,486,978</b>	<b>\$33,486,978</b>	<b>\$0</b>
<b>OREGON ZOO OPERATING FUND</b>				
Visitor Venues - Oregon Zoo	36,298,976	36,298,976	36,453,401	154,425
Non-Departmental				
Interfund Transfers	4,431,724	4,431,724	4,431,724	-
Contingency	1,397,479	1,397,479	1,243,054	(154,425)
<i>Total Appropriations</i>	42,128,179	42,128,179	42,128,179	-
<b>Total Fund Requirements</b>	<b>\$42,128,179</b>	<b>\$42,128,179</b>	<b>\$42,128,179</b>	<b>\$0</b>
<b>PARKS AND NATURAL AREAS LOCAL OPTION LEVY FUND</b>				
Parks and Nature	11,746,636	11,746,636	12,450,136	703,500
Special Appropriations	2,240,711	2,240,711	2,240,711	-
Non-Departmental				
Interfund Transfers	4,308,772	4,308,772	4,308,772	-
Contingency	2,475,823	2,475,823	2,300,823	(175,000)
<i>Total Appropriations</i>	20,771,942	20,771,942	21,300,442	528,500
<b>Total Fund Requirements</b>	<b>\$20,771,942</b>	<b>\$20,771,942</b>	<b>\$21,300,442</b>	<b>\$528,500</b>
<b>RISK MANAGEMENT</b>				
Finance and Regulatory Services	3,717,405	3,717,405	3,717,405	-
Non-Departmental				
Interfund Transfers	10,000	10,000	10,000	-
Contingency	279,326	279,326	279,326	-
<i>Total Appropriations</i>	4,006,731	4,006,731	4,006,731	-
Unappropriated Balance	45,517	45,517	45,517	-
<b>Total Fund Requirements</b>	<b>\$4,052,248</b>	<b>\$4,052,248</b>	<b>\$4,052,248</b>	<b>\$0</b>

## FY 2017-18 Schedule of Appropriations

	Proposed Budget	Approved Budget	Adopted Budget	Change from Approved
<b>SMITH AND BYBEE WETLANDS FUND</b>				
Parks and Nature	430,000	430,000	430,000	-
Non-Departmental				
Interfund Transfers	72,510	72,510	72,510	-
Contingency	1,000,000	1,000,000	1,000,000	-
<i>Total Appropriations</i>	1,502,510	1,502,510	1,502,510	-
Unappropriated Balance	1,177,440	1,177,440	1,177,440	-
<b>Total Fund Requirements</b>	<b>\$2,679,950</b>	<b>\$2,679,950</b>	<b>\$2,679,950</b>	<b>\$0</b>
<b>SOLID WASTE FUND</b>				
Property and Environmental Services	67,945,847	67,945,847	68,549,126	603,279
Finance and Regulatory Services	103,083	103,083	103,083	-
Non-Departmental				
Interfund Transfers	5,997,866	5,997,866	6,110,323	112,457
Contingency	16,281,565	16,281,565	16,135,329	(146,236)
<i>Total Appropriations</i>	90,328,361	90,328,361	90,897,861	569,500
Unappropriated Balance	29,866,723	29,866,723	29,866,723	-
<b>Total Fund Requirements</b>	<b>\$120,195,084</b>	<b>\$120,195,084</b>	<b>\$120,764,584</b>	<b>\$569,500</b>
<b>Total Appropriations</b>	<b>483,061,911</b>	<b>559,116,911</b>	<b>563,275,305</b>	<b>4,158,394</b>
<b>Total Unappropriated Balance</b>	<b>84,615,712</b>	<b>83,060,712</b>	<b>83,051,096</b>	<b>(9,616)</b>
<b>TOTAL BUDGET</b>	<b>\$567,677,623</b>	<b>\$642,177,623</b>	<b>\$646,326,401</b>	<b>\$4,148,778</b>

## STAFF REPORT

### CONSIDERATION OF RESOLUTION 17-4769B ADOPTING THE ANNUAL BUDGET FOR FISCAL YEAR 2017-18, MAKING APPROPRIATIONS AND LEVYING AD VALOREM TAXES

Date: April 13, 2017

Presented by: Martha Bennett  
Chief Operating Officer

## BACKGROUND

I am forwarding to the Metro Council for consideration and approval my proposed budget for fiscal year 2017-18.

Metro Council action, through Resolution No. 17-4769B is the final step in the process for the adoption of Metro's operating financial plan for the forthcoming fiscal year. Final action by the Metro Council to adopt this plan must be completed by June 30, 2017.

Once the budget plan for fiscal year 2017-18 is approved by the Metro Council on May 4, 2017, the number of funds and the maximum tax levy cannot be amended without review and certification by the Tax Supervising and Conservation Commission. Adjustments, if any, by the Metro Council to increase the level of expenditures in a fund are limited to no more than 10 percent of the total value of any fund's expenditures in the period between Metro Council approval in early May 2017 and adoption in June 2017.

Exhibit A to this Resolution will be available subsequent to the Tax Supervising and Conservation Commission hearing June 8, 2017. Exhibits B and C of the Resolution will be available at the public hearing on April 13, 2017.

## ANALYSIS/INFORMATION

1. **Known Opposition** – Metro Council hearings will be held on the Proposed Budget on April 13, 2017 and May 4, 2017. Opportunities for public comments will be provided. Opposition to any portion of the budget will be identified during that time.
2. **Legal Antecedents** – The preparation, review and adoption of Metro's annual budget is subject to the requirements of Oregon Budget Law, ORS Chapter 294. Oregon Revised Statutes 294.635 requires that Metro prepare and submit its approved budget to the Tax Supervising and Conservation Commission by May 15, 2017. The Commission will conduct a hearing on June 8, 2017 for the purpose of receiving information from the public regarding the Metro Council's approved budget. Following the hearing, the Commission will certify the budget to the Metro Council for adoption and may provide recommendations to the Metro Council regarding any aspect of the budget.
3. **Anticipated Effects** – Adoption of this Resolution will put into effect the annual FY 2017-18 budget, effective July 1, 2017.
4. **Budget Impacts** – The total amount of the proposed FY 2017-18 annual budget is \$646,326,401 and 879.31 FTE.



**RECOMMENDED ACTION**

The Chief Operating Officer recommends adoption of Resolution No. 17-4769B

## STAFF REPORT

### CONSIDERATION OF RESOLUTION 17-4769~~BA~~ ADOPTING THE ANNUAL BUDGET FOR FISCAL YEAR 2017-18, MAKING APPROPRIATIONS AND LEVYING AD VALOREM TAXES

Date: April 13, 2017

Presented by: Martha Bennett  
Chief Operating Officer

## BACKGROUND

I am forwarding to the Metro Council for consideration and approval my proposed budget for fiscal year 2017-18.

Metro Council action, through Resolution No. 17-4769~~B~~ is the final step in the process for the adoption of Metro's operating financial plan for the forthcoming fiscal year. Final action by the Metro Council to adopt this plan must be completed by June 30, 2017.

Once the budget plan for fiscal year 2017-18 is approved by the Metro Council on May 4, 2017, the number of funds and the maximum tax levy cannot be amended without review and certification by the Tax Supervising and Conservation Commission. Adjustments, if any, by the Metro Council to increase the level of expenditures in a fund are limited to no more than 10 percent of the total value of any fund's expenditures in the period between Metro Council approval in early May 2017 and adoption in June 2017.

Exhibit A to this Resolution will be available subsequent to the Tax Supervising and Conservation Commission hearing June 8, 2017. Exhibits B and C of the Resolution will be available at the public hearing on April 13, 2017.

## ANALYSIS/INFORMATION

1. **Known Opposition** – Metro Council hearings will be held on the Proposed Budget on April 13, 2017 and May 4, 2017. Opportunities for public comments will be provided. Opposition to any portion of the budget will be identified during that time.
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3. **Anticipated Effects** – Adoption of this Resolution will put into effect the annual FY 2017-18 budget, effective July 1, 2017.
4. **Budget Impacts** – The total amount of the proposed FY 2017-18 annual budget is \$~~642,177,623~~ 646,326,401 and ~~879.31~~ 865.71 FTE.

### **RECOMMENDED ACTION**

The Chief Operating Officer recommends adoption of Resolution No. 17-4769B

Agenda Item No. 5.1

**Ordinance No. 17-1399**, For the Purpose of Amending  
Metro Code Chapter 2.19 and Establishing the Natural Areas  
and Capital Program Performance Oversight Committee

*Ordinances (Second Read)*

Metro Council Meeting  
Thursday, June 22, 2017  
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 17-1399
CODE CHAPTER 2.19 AND ESTABLISHING	)	
THE NATURAL AREAS AND CAPITAL	)	Introduced by Chief Operating Officer Martha
PROGRAM PERFORMANCE OVERSIGHT	)	Bennett in concurrence with Council
COMMITTEE	)	President Tom Hughes

WHEREAS, the 2006 Natural Areas Bond Measure established an oversight committee to review and suggest improvements to the implementation and administration of the Natural Areas Program; and

WHEREAS, the 2016 local option levy requires similar oversight of capital projects funded by the levy renewal; and

WHEREAS, Metro Code Chapter 2.19 provides the authority for the Metro Council to establish advisory committees, including the purpose, authority and membership of those committees; and

WHEREAS, the Metro Council wishes to change the name of the existing Natural Areas Program Performance Oversight Committee, and reconstitute the committee as the “Natural Areas and Capital Program Performance Oversight Committee,” and

WHEREAS, the Metro Council wishes to expand the duties of the committee, and update membership terms and requirements; and

WHEREAS, the Nature in Neighborhoods Capital Grants Review Committee, established as part of the 2006 Natural Areas Bond Measure to make grant award recommendations, is no longer necessary because all grant funds have been distributed; now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Natural Areas Program Performance Oversight Committee is dissolved, renamed and reconstituted as the Natural Areas and Capital Program Performance Oversight Committee; and
2. Metro Code Section 2.19.220, “Natural Areas Program Performance Oversight Committee,” is amended as set forth in the attached Exhibit A; and
3. The Nature in Neighborhoods Capital Grants Review Committee is dissolved and terminated, and Metro Code Section 2.19.230, “Nature in Neighborhoods Capital Grants Review

Committee” is repealed. Any grant funds returned to Metro by project recipients may be awarded by the Metro Council to recipients that meet requirements of the Nature in Neighborhoods Capital Grant program set forth in Metro Resolution No. 06-3672B, “For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection.”

ADOPTED by the Metro Council this \_\_\_\_ day of June 2017.

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

Attest:

Approved as to Form:

\_\_\_\_\_  
Nellie Papsdorf, Recording Secretary

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

**EXHIBIT A TO ORDINANCE 17-1399**

METRO CODE – TITLE II Administration and Procedures  
CHAPTER 2.19 Metro Advisory Committee  
SECTION 2.19.220

2.19.220 Natural Areas and Capital Program Performance Oversight Committee

(a) Purpose and Authority. The purpose and authority of the Natural Areas and Capital Program Performance Oversight Committee is to annually review whether the program is meeting the goals and objectives established for the program by the Metro Council ("program performance"). The Committee shall annually report to the Metro Council regarding ~~such~~ program performance, ~~which.~~ The annual report shall provide the Committee's recommendations to improve ~~such~~program performance, if any. The Committee's program performance review and report to Council:

(1) Shall assess the program's progress in implementing the strategies, goals and objectives approved by the Metro Council for the Natural Areas Program including:

(A) Property acquisition and protection in each of the 27 target areas, as described in Council-approved refinement plans;

(B) Local share projects; and

(C) Awards of Nature in Neighborhoods Capital Grants; ~~and.~~

(2) May include recommendations regarding the Natural Areas Program Work Plan to improve program efficiency, administration, and performance.

(3) Shall review expenditures of Metro's 2016 local option levy for compliance with program requirements.

(b) Membership. The Committee shall be composed of no fewer than 139 and no more than 17 members, all appointed by the Metro Council President subject to Council confirmation. The Council President shall designate one (1) member to serve as

Chair. Committee members shall ~~primarily be~~include professionals with experience in real estate, finance, auditing, public budgeting, banking, general business, and realty law. ~~Eight (8) of~~Additionally, the initial Committee ~~may include~~ members ~~shall be appointed to serve a one (1) year term with~~ backgrounds and ~~may be reappointed for up to two (2) additional terms as provided~~experience in natural area land management, habitat restoration, park planning, design and construction, philanthropy, or community engagement. Notwithstanding Metro Code Section 2.19.020030, Committee members may serve up to three (3) two-year terms.

(c) Meetings. The Committee shall meet no fewer than two times per year.

(d) Dissolution. The ~~committee~~Committee shall be dissolved on July 1, ~~2017~~2023, or upon the issuance of a final report by the ~~committee~~Committee after all funds authorized by the 2006 bond measure and all 2016 local option levy capital project funds have been spent, whichever is earlier.

(Ordinance No. 07-1155A, Sec. 1.)



## **STAFF REPORT**

### **IN CONSIDERATION OF ORDINANCE NO. 17-1399 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 2.19 AND ESTABLISHING THE NATURAL AREAS AND CAPITAL PROGRAM PERFORMANCE OVERSIGHT COMMITTEE**

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Date: May 18, 2017

Prepared by: Heather Nelson Kent

## **BACKGROUND**

The 2006 Natural Areas Bond Measure established an oversight committee to review and suggest improvements to the implementation and administration of the Natural Areas Program.

The purpose of the committee is to provide additional accountability to Metro area residents and the Metro Council in order to help the region achieve the best results for clean water, fish and wildlife, and future generations. The committee was charged with reviewing program performance and reporting annually to the Metro Council regarding Metro's Natural Areas program's progress in implementing the strategies, goals and objectives approved by the Metro Council for property acquisition and protection in 27 target areas, as described in Council-approved refinement plans. In addition, the committee is required to review and report to the Metro Council on local share projects and the Nature in Neighborhoods Capital Grants Program. The committee may also make recommendations regarding the Natural Areas Implementation Work Plan to improve program efficiency, administration and performance.

Members of the committee are drawn from all areas of the region and from a variety of technical and professional disciplines, including finance, auditing, accounting, real estate, banking and law. Committee members share their technical and professional expertise to ensure that expenditure of bond measure funds satisfies the requirements of the program.

In accordance with Metro Code 2.19.220, the Natural Areas Program Performance Oversight Committee has met consistently since created in 2007 and has produced and presented to the Metro Council annual reports starting in 2008. The committee has led staff in development of a new regional acquisition performance measurement system, advised on the implementation of the Nature in Neighborhoods Capital Grants Program and property stabilization practices, and has reviewed program administrative costs and definitions.

Metro local option levy approved by voters in 2016 requires similar oversight of capital projects funded by the levy renewal. This ordinance would expand the duties of the existing Natural Areas Program Performance Oversight Committee, update membership terms and requirements, and change the name of the committee to the "Natural Areas and Capital Program Performance Oversight Committee."

Metro staff will continue to assist the committee as necessary throughout the life of the Natural Areas Program and the 2016 local option levy. Staff performs such duties as making technical presentations and preparing reports to the committee, as well as coordinating and staffing meetings. Staff also supports the committee's work to draft the report presented to the Metro Council annually.

## **ANALYSIS/INFORMATION**

### **1. Known Opposition**

None.

## **2. Legal Antecedents**

Metro Resolution No. 16-4690, For the Purpose of Referring to the Voters of the Metro Area Renewal of Metro's Local Option Levy for Protecting Water Quality, Restoring Fish and Wildlife Habitat; and Connecting People to Nature.

Metro Resolution No. 06-3672B, For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection, approved March 9, 2006.

Metro Resolution No. 16-4690, For the Purpose of Referring to the Voters of the Metro Area Renewal of Metro's Local Option Levy for Protecting Water Quality, Restoring Fish and Wildlife Habitat; and Connecting People to Nature, approved June 30, 2016.

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

## **3. Anticipated Effects**

By approving Ordinance No. 17-1399, the Metro Council will expand the charge of the existing Natural Areas Program Performance Oversight Committee to include oversight of capital projects funded by Metro's local option levy. The committee will be renamed the Natural Areas and Capital Program Performance Oversight Committee. Existing eligible members will continue to serve on the new committee effective July 1, 2017, including the committee chair. Committee members will participate in conducting the annual review of these capital programs for the public and help ensure that the funds voters have authorized provide the greatest possible benefit to the region.

## **4. Budget Impacts**

Staff time to provide information to the committee and prepare reports and notification to the public.

## **RECOMMENDED ACTION**

The Council President recommends adoption of Ordinance No. 17-1399.

Materials following this page were distributed at the meeting.

# **Metro**

*600 NE Grand Ave.  
Portland, OR 97232-2736  
[oregonmetro.gov](http://oregonmetro.gov)*



**Metro**

## **Minutes**

**Thursday, June 15, 2017**

**2:00 PM**

**AGENDA REVISED 06/14/17**

**Metro Regional Center, Council chamber**

### **Council meeting**

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**1. Call to Order and Roll Call**

Council President Tom Hughes called the Metro Council meeting to order at 2:01 p.m. With the support of the Metro Council, President Hughes proclaimed June 19 as Juneteenth Independence Day, honoring the anniversary of emancipation in Texas and the abolition of slavery in the southern states more generally and celebrating the rich culture, legacy, and heritage of African Americans throughout the country.

**Present:** 7 - Council President Tom Hughes, Councilor Sam Chase, Councilor Carlotta Collette, Councilor Shirley Craddick, Councilor Craig Dirksen, Councilor Kathryn Harrington, and Councilor Bob Stacey

**2. Citizen Communication**

There was none.

**3. Consent Agenda****Approval of the Consent Agenda**

**A motion was made by Councilor Craddick, seconded by Councilor Collette, to adopt items on the consent agenda. The motion passed by the following vote:**

**Aye:** 7 - Council President Hughes, Councilor Chase, Councilor Collette, Councilor Craddick, Councilor Dirksen, Councilor Harrington, and Councilor Stacey

3.1 Consideration of the Council Meeting Minutes for June 8, 2017

**4. Resolutions**

4.1 Resolution No. 17-4802, For the Purpose of Authorizing the Chief Operating Officer to Amend a Non-System License to Forest Grove Transfer Station for Transport and Disposal of Putrescible Waste at the Coffin Butte Landfill Located in Benton County or the Columbia Ridge Landfill Located in Gilliam County

Council President Hughes called on Mr. Roy Brower, Metro staff, for a brief presentation on Resolutions Nos. 17-4802 through 17-4806. Mr. Brower stated that the five resolutions related to non-system licenses (NSLs). He provided an

overview of Metro's solid waste authority and responsibilities and explained that the resolutions would extend the term of five existing NSLs to transport waste outside of the region for disposal at the Coffin Butte and Columbia Ridge Landfills. He recalled that in December 2016, the Metro Council held an emergency council meeting during which it approved the five NSLs to address issues of uncertain capacity in the landfill the companies were originally using. Mr. Brower provided context about the Riverbend Landfill and outlined the alternative process the Metro Council had approved in December. He explained that when the Council authorized the five new NSLs to use the Columbia Ridge Landfill and begin moving away from the Riverbend Landfill, the NSLs were approved through June 30, 2017.

Mr. Brower informed the Council that to address ongoing issues and adjust to the current needs of the system, Resolutions Nos. 17-4802 through 17-4806 would extend the term of the NSLs through December 31, 2018; remove Riverbend Landfill as a disposal option through this period; and continue to include both Coffin Butte and Columbia Ridge Landfills as disposal options in the same period.

#### *Council Discussion*

Councilor Harrington highlighted that in past meetings, it was expressed that Waste Management would not hold residential customers and local haulers responsible for the cost increases due to the additional transport, but highlighted that this aspect had not been included in the written agreements. She noted that one of the cities in Washington County had expressed concerns about the transfer station fees that haulers would pay in the City of

Forest Grove and therefore it was important to recognize this expectation.

**A motion was made by Councilor Stacey, seconded by Councilor Harrington, that this item be adopted. The motion passed by the following vote:**

**Aye:** 7 - Council President Hughes, Councilor Chase, Councilor Collette, Councilor Craddick, Councilor Dirksen, Councilor Harrington, and Councilor Stacey

- 4.2 Resolution No. 17-4803, For the Purpose of Authorizing the Chief Operating Officer to Amend a Non-System License to Pride Recycling Company for Transport and Disposal of Putrescible Waste at the Coffin Butte Landfill Located in Benton County or the Columbia Ridge Landfill Located in Gilliam County

Resolutions Nos. 17-4802 through 17-4806 were presented together; please see Resolution No. 17-4802.

**A motion was made by Councilor Stacey, seconded by Councilor Harrington, that this item be adopted. The motion passed by the following vote:**

**Aye:** 7 - Council President Hughes, Councilor Chase, Councilor Collette, Councilor Craddick, Councilor Dirksen, Councilor Harrington, and Councilor Stacey

- 4.3 Resolution No. 17-4804, For the Purpose of Authorizing the Chief Operating Officer to Amend a Non-System License to Willamette Resources, Inc. for Transport and Disposal of Putrescible Waste at the Coffin Butte Landfill Located in Benton County or the Columbia Ridge Landfill Located in Gilliam County

Resolutions Nos. 17-4802 through 17-4806 were presented together; please see Resolution No. 17-4802.

**A motion was made by Councilor Stacey, seconded by Councilor Harrington, that this item be adopted. The motion passed by the following vote:**

**Aye:** 7 - Council President Hughes, Councilor Chase, Councilor Collette, Councilor Craddick, Councilor Dirksen, Councilor Harrington, and Councilor Stacey

- 4.4 Resolution No. 17-4805, For the Purpose of Authorizing the Chief Operating



Officer to Amend a Non-System License to Hoodview Disposal and Recycling, Inc. for Transport of Putrescible Waste to Canby Transfer and Recycling Inc. for the Purpose of Transfer and Disposal at the Coffin Butte Landfill Located in Benton County or the Columbia Ridge Landfill Located in Gilliam County

Resolutions Nos. 17-4802 through 17-4806 were presented together; please see Resolution No. 17-4802.

**A motion was made by Councilor Stacey, seconded by Councilor Harrington, that this item be adopted. The motion passed by the following vote:**

**Aye:** 7 - Council President Hughes, Councilor Chase, Councilor Collette, Councilor Craddick, Councilor Dirksen, Councilor Harrington, and Councilor Stacey

- 4.5 Resolution No. 17-4806, For the Purpose of Authorizing the Chief Operating Officer to Amend a Non-System License to West Linn Refuse and Recycling for Transport of Putrescible Waste to Canby Transfer and Recycling Inc. for the Purpose of Transfer and Disposal at the Coffin Butte Landfill Located in Benton County or the Columbia Ridge Landfill Located in Gilliam County

Resolutions Nos. 17-4802 through 17-4806 were presented together; please see Resolution No. 17-4802.

**A motion was made by Councilor Stacey, seconded by Councilor Harrington, that this item be adopted. The motion passed by the following vote:**

**Aye:** 7 - Council President Hughes, Councilor Chase, Councilor Collette, Councilor Craddick, Councilor Dirksen, Councilor Harrington, and Councilor Stacey

- 4.6 Resolution No. 17-4814, For the Purpose of Adopting Contracting and Procurement Administrative Rules

Council President Hughes called on Mr. Tim Collier, Metro's Finance and Regulatory Services Director, and Ms. Cary Stacey, Metro staff, for a brief presentation on the resolution. Mr. Collier explained that the resolution would formally adopt Metro's administrative rules, personal services contracting rules, and equity in contracting rules. He

stated that the rules had been in effect on an interim basis since April 6 with a comment period from April 7 to May 31. He noted that Metro staff received no comments during this period. Mr. Collier announced that there were two substantive changes made during the review period: the removal of a requirement that was in state law but was not applicable to Metro and the inclusion of a new clause of contracts in the personal services to mirror the already existing special procurement rules.

Ms. Stacey provided an update on the rules and the results of the interim period. She informed the Metro Council that the response to the rules had been positive and noted that the equity in contracting rules had been particularly well-received, especially by the small business community. She explained that Metro already had three contracts valued at roughly \$110,000 through the personal services COBID marketplace. Ms. Stacey noted that two procurement fairs had been held and 280 employees had completed training on the new rules. Ms. Stacey thanked staff for all of their work on the important project.

#### *Council Discussion*

Councilor Harrington expressed her support for having the rules clarified and better aligned with Metro's policies and values. She thanked staff for their efforts to institute the new rules.

**A motion was made by Councilor Harrington, seconded by Councilor Craddick, that this item be adopted. The motion passed by the following vote:**

**Aye:** 7 - Council President Hughes, Councilor Chase, Councilor Collette, Councilor Craddick, Councilor Dirksen, Councilor Harrington, and Councilor Stacey

**4.6.1 Public Hearing for Resolution No. 17-4814**

Council President Hughes opened up a public hearing on Resolution No. 17-4814 and requested that those wishing to testify come forward to speak. Seeing none, Council President Hughes gaveled out of the public hearing. He then adjourned the Metro Contract Review Board and reconvened the meeting of the Metro Council.

**4.7 Resolution No. 17-4769B, For the Purpose of Adopting the Annual Budget for Fiscal Year 2017-18, Making Appropriations and Levying Ad Valorem Taxes**

Council President Hughes provided an overview of the agency's budget process so far. He explained that Metro's Chief Operating Officer Martha Bennett, in her capacity as Metro's Budget Officer, presented the proposed budget to the Metro Council, sitting as the Metro Budget Committee, at the council meeting on April 13. He stated that Resolution No. 17-4769A, which formally adopted the FY2017-2018 budget, was read into the record and a public hearing was held, before the resolution was carried over to the May 4 council meeting for a second public hearing, and then scheduled for June 15. President Hughes explained that on June 8 the Metro Council held a successful joint meeting with the Multnomah County Tax Supervising & Conservation Commission (TSCC) in which the group reviewed and clarified elements of the approved budget. He stated the Council would consider amendments to the budget and hold an additional public hearing before final Council consideration and vote to adopt the final budget on June 22.

Council President Hughes then introduced Mr. Tim Collier, Metro's Director of Finance and Regulatory Services, to provide a brief overview of the resolution. He noted that the amendments to the budget were discussed at the Council

work session on June 13 and included one councilor amendment and 27 department amendments that constituted nine substantive and 18 technical amendments. He stated that the amendments increased appropriations by approximately \$4 million and added about 13.6 full-time equivalent employees. He noted that if the Council approved the proposed amendments, the total budget would be \$646 million with 889.31 full-time equivalent employees.

*Council Discussion*

There was none.

**A motion was made by Councilor Dirksen, seconded by Councilor Harrington, that this item be amended. The motion passed by the following vote:**

**Aye:** 7 - Council President Hughes, Councilor Chase, Councilor Collette, Councilor Craddick, Councilor Dirksen, Councilor Harrington, and Councilor Stacey

4.7.1 Public Hearing for Resolution No. 17-4769A

Council President Hughes opened up a public hearing on Resolution No. 17-4769A and requested that those wishing to testify come forward to speak. Seeing none, Council President Hughes gaveled out of the public hearing.

**5. Ordinances (First Reading and Public Hearing)**

5.1 Ordinance No. 17-1399, For the Purpose of Amending Metro Code Chapter 2.19 and Establishing the Natural Areas and Capital Program Performance Oversight Committee

Council President Hughes called on Mr. Brian Kennedy, Metro staff, for a brief presentation on Ordinance No. 17-1399. He informed the Council that approval of the ordinance would make several changes to the current Natural Areas Program Oversight Committee. He explained that in 2006, when the Metro Council referred the 2006 local

option levy to the ballot, one of the items required oversight of capital projects. Mr. Kennedy stated that Ordinance No. 17-1399 would add this oversight responsibility to the existing program by amending the charter and name to reflect it. Mr. Kennedy added that the ordinance would also add new categories of expertise to the charter for existing committee members, reflecting the additional responsibilities and broadening the representation on the committee. Mr. Kennedy explained that the ordinance would reduce the minimum number of committee members to provide flexibility in sizing the committee appropriate to the amount of work required. Mr. Kennedy stated that the ordinance would also dissolve the Capital Grants Review Committee as all of the grants has been awarded and update the committee terms to allow three two-year terms for committee members. Mr. Kennedy concluded by informing the Council that it would also extend the end date of the committee.

#### *Council Discussion*

Councilor Craddick noted that the resolution marked a milestone regarding past bond measures and highlighted the significant impacts the bond funds had made on the region and its natural areas and parks.

#### 5.1.1 Public Hearing for Ordinance No. 17-1399

Council President Hughes opened up a public hearing on Ordinance No. 17-1399 and requested that those wishing to testify come forward to speak. Seeing none, Council President Hughes gaveled out of the public hearing. He noted that second read, Council consideration, and vote on Ordinance No. 17-1399 would take place on Thursday, June 22.

**6. Ordinances (Second Reading)**

- 6.1 Ordinance No. 17-1403, For the Purpose of Annexing to the Metro District Boundary Approximately 5.08 Acres Located at 3780 SW 234th Ave in Hillsboro

Council President Hughes stated that the first reading and public hearing for Ordinance No. 17-1403 took place on Thursday, June 8. He informed the Metro Council that Mr. Tim O'Brien, Metro staff, was available for questions.

*Council Discussion*

There was none.

**A motion was made by Councilor Harrington, seconded by Councilor Collette, that this item be adopted. The motion passed by the following vote:**

**Aye:** 7 - Council President Hughes, Councilor Chase, Councilor Collette, Councilor Craddick, Councilor Dirksen, Councilor Harrington, and Councilor Stacey

- 6.2 Ordinance No. 17-1405, For the Purpose of Responding to the Remand from the Oregon Court of Appeals and the Land Conservation and Development Commission Regarding the Designation of Urban and Rural Reserves in Clackamas County and Multnomah County

Council President Hughes stated that the first reading and public hearing for Ordinance No. 17-1405 took place on Thursday, June 8. He called on Mr. Roger Alfred, Metro staff, for a brief update on the ordinance. Mr. Alfred noted that at the June 8 meeting the Metro Council had held a public hearing on the ordinance and received testimony from interested parties. He informed the Council that staff had received a few more written materials for the June 15 meeting and recognized that they would be included in the record. Mr. Alfred also noted that the materials for the meeting included the intergovernmental agreement between Metro, Clackamas County, and the Cities of Lake Oswego, Tualatin, and West Linn regarding the Stafford

reserves area. He explained that a resolution authorizing Council President Hughes to sign the agreement on the Metro Council's behalf would come before Council on June 22.

*Council Discussion*

Councilor Collette recognized the importance of the legislation, noting that it represented decades of work. She thanked Metro staff and Metro's jurisdictional partners for all of their hard work and expressed excitement about passing the ordinance. Council President Hughes and Councilor Harrington also expressed support for the ordinance, highlighting the long history of the reserves process and the role it played in Metro's overall urban growth management work.

**A motion was made by Councilor Collette, seconded by Councilor Harrington, that this item be adopted. The motion passed by the following vote:**

**Aye:** 7 - Council President Hughes, Councilor Chase, Councilor Collette, Councilor Craddick, Councilor Dirksen, Councilor Harrington, and Councilor Stacey

**7. Chief Operating Officer Communication**

Ms. Martha Bennett invited the Council and staff to the annual Pollinator Celebration at Howell Territorial Park on June 17. She also recognized June as Pride Month and encouraged the Metro Council and staff to march with Metro at Portland's Pride Parade on June 18.

**8. Councilor Communication**

Councilors provided updates on the following meetings or events: the Joint Policy Advisory Committee on Transportation (JPACT), the Metro Policy Advisory Committee (MPAC), the Community Placemaking Grants

Application Review Committee, the open house for a new tiny house village in Kenton, the first Policy and Budget Committee meeting for the Division bus rapid transit project, and the grand opening of the Habitat for Humanity ReStore in Gresham.

## 9. Adjourn

There being no further business, Council President Hughes adjourned the Metro Council meeting at 3:06 p.m. He announced that the Metro Council would convene in the Council Annex for an executive session pursuant to ORS 192(660)(2)(e). The Metro Council will convene the next regular council meeting on June 22 at 2:00 p.m. at the Metro Regional Center in the council chamber.

Respectfully submitted,



Nellie Papsdorf, Legislative and Engagement Coordinator



**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JUNE 15, 2017**

<b>ITEM</b>	<b>DOCUMENT TYPE</b>	<b>DOC DATE</b>	<b>DOCUMENT DESCRIPTION</b>	<b>DOCUMENT No.</b>
<b>3.1</b>	Minutes	06/15/17	Minutes from the June 8, 2017 Council Meeting	061517c-01
<b>6.2</b>	Testimony	06/15/17	Christopher James testimony	061517c-02
<b>6.2</b>	Testimony	06/15/17	Steve Baker testimony	061517c-03
<b>6.2</b>	Testimony	06/15/17	Sandy Baker testimony	061517c-04
<b>6.2</b>	Testimony	06/15/17	Hank Skade testimony	061517c-05
<b>6.2</b>	Testimony	06/15/17	Jordan Ramis testimony	061517c-06

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**From:** sandy baker <sjhb1503@gmail.com>  
**Sent:** Thursday, June 22, 2017 2:13 PM  
**To:** Metro Council  
**Cc:** Steven Barker; Steve Baker; Steve and Sandy  
**Subject:** Please submit into public records  
**Attachments:** inrecordsrequestMetro.docx; jerry.PDF; letter sandy baker sent to senator johnson 06-21-2017.pdf; V1 bethany development and barker property aerial photos 06-21-2017.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello,

I would like to submit these items into public record. My cover letter explaining items is addressed in the Metro.docx. I always have trouble with attachments so if you cannot open or have any questions please let me know.

Thank you!

Sandy Baker 503-690-2031



[BarkersFive\\_SandyBaker\\_RefiledResponseBrief.pdf](#)



June 22, 2017

To Metro Council

Please submit into public record all attachments along with this cover letter.

Letter from Jerry Grossinickle July 2, 2007 (Second page 2<sup>nd</sup> and 3<sup>rd</sup> paragraph)  
*These 2 paragraphs describe FPNA and ONRA (Outer Northwest Rural Advocates) organizing and strategizing since 2006 to secure rural for 40-50 years. With the FPNA dominating the CAC ...how can this possible be considered an open, fair and transparent process?*

Wendie Kellington: Barker's Five LLC Consolidated Response Brief Oct. 16, 2014  
*Please include the entire brief. Special consideration of Exhibit 5*

Letter to Senator Johnson June 21, 2017  
*My concern of the amended HB 4078 back in 2014.*

Letter to Metro Council. June 19, 2017  
*I'm not sure if this email is automatically put into record so to be on the safe side I added it.*

New maps of property

Thank you very much for your help in my request to have these items entered.

Sandy Baker  
Barkers Five LLC  
503-690-2031 sjhb1503@gmail.com

**Jerry Grossnickle**  
**Bruce Wakefield**  
13510 NW Old Germantown Rd.  
Portland, OR 97231  
Phone 503-289-3046  
jerrygbw@aol.com

July 2, 2007

Department of Administrative Services  
Measure 37 Unit  
1225 Ferry Street SE, U160  
Salem, OR 97301-4287

Re: Andy Huserik Claim: M 131043

Comments:

As residents on Old Germantown Road adversely affected by the Huserik claim, we would like to make the following points:

**1) Reasonable Expectations.** Asking to waive zoning restrictions to the extent requested by the claimant goes far beyond the intent of Measure 37. This is a rural area, and always has been. There would have been no expectation when the Huseriks purchased their land that they would one day subdivide to build one house per acre. The over-reaching of this claim is stunning. Here in the hills of the Tualatin Mountains we still have wonderful wildlife habitat lands on farmed or forested slopes drained by the headwaters of Rock Creek. And it was this way when Mr. Huserik's family built their first home on Old Germantown and began farming (in the early 1900's). Andy Huserik has carried on that tradition as the Andy's Christmas tree farm for as long as we have lived here (since 1990). There can be no reasonable expectation that Multnomah County would ever have allowed a suburban development to spring up out here, where roads are narrow and winding, and where water must come from wells and sewer lines are non-existent.

**2) Adverse impacts on neighbors.** We all have wells in these rural hills. We have seen what has happened on other hills in the area when too many wells are drilled. The older wells dry up. There are about forty wells off Old Germantown now. There are another forty-odd off Germantown Road. What would be the effect of drilling so many more?

Most of the rest of us on Old Germantown built our houses out here for the rural qualities that still exist, the relative quiet, proximity to wildlife, open space, wonderful views, and all the other benefits that rural life affords. The value of our lands to those of us who live here will be decreased by the intrusion of a subdivision of this size. Certainly the wildlife habitat lands will be adversely impacted. Elk herds now regularly cross the Huserik


property. If the subdivision is built, the elk route will be cut. And of course, the stream that drains the Huserik land will suffer from so many adjacent houses. Can we claim that damage to our wildlife habitat has an adverse effect on us? We must. If the elk are cut off from their Abbey Creek destinations, will they continue to use our valley? If our view is ruined, if our peace and quiet is diminished, if the habitat is degraded by an inappropriate subdivision, are we not adversely impacted? Of course we are.

3) **The Future.** It is too early to say this too loud, but our neighborhood has been working on a project for the future of our lands that appears to have a good chance of success. We are presently part of the Multnomah County's West Hills Rural Area Plan, where land use is intended to remain rural. But we have seen the UGB expand to Bethany, and then to North Bethany in Washington County, and we have questioned whether Metro would be able to resist the pressures of the development community to continue their march right up into the hills of the Tualatin Mountains, whatever Multnomah County says about it.

So we organized and developed strategies, and we worked on a legislative agenda that included supporting SB 1011, which was passed. This bill requires Multnomah County's approval for any UGB expansion in the County, and it allows the County to create a "rural reserve" that will be protected from UGB expansion for at least 40 years. We will campaign to make the rural lands in western Multnomah County part of a rural reserve, a buffer for Forest Park and a matrix of wildlife connections to the Coast Range. We believe that we have a very good chance to succeed. The future of these lands is not suburban developments, but rather the future is rural reserves that will protect the watersheds, the wildlife habitat, and the forest and farm lands for the benefit of the entire region.

If the Huserik claim were to be granted, the rural value these lands would be diminished and an irreversible scar would be inflicted on the landscape. For these reasons, and for the health and safety concerns mentioned, and because no reasonable interpretation of the intent of Measure 37 could justify placing such a subdivision on these rural lands, we urge you to deny the claim.

Sincerely,

  
Jerry Grossnickle

  
Bruce Wakefield

Wendie L. Kellington  
Attorney at Law, P.C.

HAND DELIVERED

P.O. Box 159  
Lake Oswego Or  
97034

Phone (503) 636-0069  
Mobile (503) 804-0535  
Facsimile (503) 636-0102  
Email: [wk@wkellington.com](mailto:wk@wkellington.com)

October 16, 2014

Via HAND DELIVERY  
Carrie McLaren  
Deputy Director  
DLCD  
635 Capitol St NE, STE 150  
Salem or 97301-2540

DEPT OF

OCT 16 2014

LAND CONSERVATION  
AND DEVELOPMENT

*1 suit*

RE: Barkers Five/Sandy Baker Refile Consolidated Response Brief

Dear Ms. McLaren:

This firm represents Barkers Five/Sandy Baker. Per your order dated October 15, 2014, Petitioners elect your "Option 2." Accordingly, attached is a refiled consolidated response brief. As explained previously, this brief is filed under protest as we object to being prohibited from filing briefs responsive to the three briefs filed against our clients' position. This has created a situation where it is impossible to respond effectively to all three of the briefs attacking our clients. Our clients' opponents have had more than double the allowed pages to make their points. These opponents, however, were not required to file a single consolidated objection.

We wish to point out that Attachment 5 is legislative history of HB 4078 that the county and Metro had in their possession but refused to provide until yesterday in the context of the Multnomah County District Attorney's review of our public records refusal. Had they timely disclosed these materials, then the materials could have been provided in the context of the briefing schedule set in the scheduling order. However, their refusal to timely produce this information (and it was not otherwise available) means it is attached it here. This legislative history demonstrates that the position they took in their briefs on certain issues was rejected by the legislature. State statutory legislative history is always allowed to be considered in interpreting a statute including at the court of appeals, even if not a part of the record. *Byrnes v. City of Hillsboro*, 104 Or App 95 (1990). However, presumably LCDC would like to see the state legislative history regarding the apparent legislative rejection of the "best achieves" and "amount of land" arguments made by Metro and Multnomah County in their LCDC briefs. Accordingly, even though the page limits do not supply adequate time to explain the meaning of this history, I attach Exhibit 5.

Thank you for your consideration.

Very truly yours,

  
Wendie L. Kellington

WLK:wlk

CC: Sandy Baker and Steve Barker

**PETITIONERS BARKERS FIVE, LLC REPLY TO MULTNOMAH COUNTY,  
METRO & CHESAREK LCDC No. A152351**

Barkers Five and Sandy Baker (Petitioners) file this supplemental brief responding to the above briefs, with the county/Metro response collectively referred to as “county”.

**HB 4078 DOES NOT AUTHORIZE LCDC TO AFFIRM THE DECISION**

The court identified two errors: a missing analysis which specifically includes petitioners’ property and a “meaningful explanation” of the yield of that analysis. To invoke the “evidence clearly supports” standard of review, LCDC must find the *only* conclusion from all of the evidence in the record is that the required analysis occurred and that the *only* yield from that analysis is that the Barkers property must be rural reserve as a part of Area 9D. Multnomah County and Metro show neither. This is unsurprising because the court of appeals decided such analyses do not exist, decided that the county improperly applied the reserves factors to make Petitioners’ property rural reserve in Area 9D, and the court’s decision was not appealed.

The county misunderstands the remand and LCDC’s scope of review. The county seeks to have *LCDC* designate Petitioners’ property as rural reserve based on *LCDC’s* view of the outcome of the required reserves factors analysis, performed as the court held the county was required to do, but did not. HB 4078 does not permit LCDC to weigh and balance the reserves factors. It does not permit LCDC to decide the yield of the reserves factors with respect to Petitioners’ property. The purpose of the analysis is to enable the *county* to decide whether a proper analysis yields that all of the land in Area 9D including the Barkers property should be designated rural reserve. Under the “evidence clearly supports” standard of review, the questions are whether the evidence clearly supports the required analysis occurred and, after the required analysis, whether the Barkers' property

*must* be designated rural reserve. Both the analysis and decision are inherently discretionary exercises reserved to the local governing body. Thus, nothing permits LCDC to undertake the discretionary legal analysis and make the ultimate decision on remand, based on LCDC's judgment of the analytical results. The "evidence clearly supports" standard does not allow the reviewing tribunal to "assume the responsibilities assigned to local governments, such as the weighing of evidence." *Salo v. Oregon City*, 36 Or LUBA 415 (1999). Even if LCDC could supplant itself for the county, LCDC would have to decide that the record is without doubt that the Barkers' property can only be designated rural reserves. The record permits nothing remotely close.

First, the missing analytical exercise must be "meaningful." On this, the court of appeals quoted with approval LCDC's articulation of these legal obligations:

"Consequently: \* \* \* "consideration" of the factors requires that Metro and the counties (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. (Emphasis added).  
\* \* \* \* \*

"[I]f Metro and the counties properly consider and apply the factors, the decision whether to designate land as urban reserve or rural reserve or to leave the land undesignated is left to the local government."

The court reinforced the importance of a "meaningful explanation":

"[T]he county was obligated to *meaningfully explain* why its consideration of the factors yielded a rural reserve designation of all of the land in Area 9D. \* \* \* [T]he county must meaningfully explain why, notwithstanding the ostensible differences, it designated all of the land in that area as it did." (Emphasis supplied.) *Barkers Five*, 261 Or App 346.

LCDC has experience with what the court requires for a "meaningful explanation."

The county brief falls short. In *1000 Friends of Oregon v. LCDC*, 260 Or App 444, 455, 458 (2014), the court of appeals remanded to LCDC, for a second time, the Woodburn UGB for a "meaningful" explanation as to "why the steps taken \* \* \* satisfy those legal standards." In the words of the court appeals, the county brief in this case in its best light: "while lengthy,



[do] not include reasoning. [They] contain[] findings of fact ... and statements of law or policy. [They] also include[] conclusions that the facts in this case satisfy the law. [They do] not include the reasoning that led LCDC from the facts to its conclusion.” 260 Or App 458.

Here, the applicable standards the court found unlawfully applied here, are so highly discretionary that it is impossible that any particular outcome from a proper analysis is required or “obvious.”<sup>1</sup> After weighing and balancing the reserves factors in light of the evidence in the record, the county might decide Barkers should have no designation, an urban reserves designation or a rural reserves designation. (*Compare* Mult Rec 914, 1159 (no designation) 1159e and Exh 2 (urban reserve), MC 1917e (CAC split regarding Area 6). No decision *necessarily* flows from the record.

The county wholly ignores the Barkers’ property, instead pointing to generalizations that the north and south parts of Area 9D *could* potentially be designated rural reserve. They ignore that a lawful “consideration of the factors” means:

“\* \* \* to the extent that a property owner challenges the inclusion of his or her property within a designated area, the local government is obligated to have explained why its consideration of the factors yields, as to the totality of the designated land, a result that includes that property.”<sup>2</sup> (Emphasis supplied.) 261 Or App 343.

The county cites nothing about the characteristics of the Barkers’ property and indeed they don’t even identify where it is. The only specific information about the Barkers property was provided by Barkers Five and it explains the property is *not* properly designated rural

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<sup>1</sup> In this regard, contrary to the county brief, the reserves factors are standards. *Barkers*, 261 Or App 341.

<sup>2</sup> The court further explained: “The gravamen of those challenges is that Metro and the counties inadequately considered the reserve factors with regard to the land that was actually designated as either urban or rural reserves. Resolution of those challenges requires an examination of the adequacy of the local government’s consideration of the factors *as to the ‘land’ that was ultimately designated under the standards described above.*” (Emphasis supplied.) 261 Or App 305.

reserve. *See* Exhibit 1. The evidence is, at a minimum, conflicting and conflicting evidence is not evidence that “clearly supports” anything. Certainly, the county’s evidence does not lead to a conclusion the Barkers’ property, or indeed all or any of the land in the southern part of Area 9D, must only be designated rural reserves. In fact, as noted, the county recommended it be either rural or urban reserve. Exh 2.

The county ignores that the issue is the “propriety of the designation of [Barker] property and not \* \* \* the propriety of composition of the study area of which it was a part.” 261 Or App 341. They ignore that the court held the error is the Barker property “was improperly designated rural reserve solely because of its inclusion within Area 9D”. They ignore the *required but missing* analysis is that the county failed to “conside[r] the reserves factors with regard to the land that it actually designated as rural reserves.” *Id.*

The county requests LCDC *remake* the Area 9D reserves decision and designate all of Area 9D rural reserves on a claim that it is “obvious” Area 9D meets the “Farm and Forest Factors” (Mult Br. 13-15). Area 9D was not designated rural reserve on this basis by either the county or Metro governing bodies.<sup>3</sup> *Barkers Five*, 261 Or App 345. To take this action, LCDC must decide the decision is “right for the wrong reason.” The “evidence clearly supports” standard of review does not authorize LCDC to remake the county decision; rather LCDC is only authorized to review the decision before it. *West Coast Media LLC v. City of Gladstone*, 192 Or App 102, 109-110 (2004).

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<sup>3</sup> There is no claim in any brief that the challenged decision should be wholly remade to apply the “safe harbor” in OAR 660-027-0060(4). Therefore, Barkers do not address such a claim. We note, however, that Barkers Five did preserve the right to challenge any such argument and the court of appeals specifically stated it did not address this issue. To the extent such an issue comes up on remand, Barkers relies on, and incorporates, its appellate opening brief on this topic by this reference.

The county also claims evidence in the record “clearly supports” that all of Area 9D must be designated rural reserve on natural resource bases. They claim the record shows the county “acknowledged the dissimilarities” between “the northern and southern halves of Areas 9D” and that generalized, equivocal, abbreviated conclusions of the CAC are an adequate substitute for the analysis of all the factors as they pertain to all the land in Area 9D, including Barkers. They are wrong. The county brief merely rehashes arguments rejected by the court of appeals. *Comp Mult Co. Court Op Br. to 261 Or App 338-347.*

The court of appeals did not limit its remand for the county to simply show it knew there were dissimilarities in the north and south of Area 9D. The court remanded because of the failure of the county decision to meaningfully “explain why its consideration of rural reserves factors yields a rural reserve designation of all land in Area 9D,” which includes the Barker property. 261 Or App 345. Further, the court’s “conjunctive observation” of dissimilar areas was an example that “suffice[d] to explain why that is so.” Nothing suggests the “conjunctive observation” of analytical defects was the only analytical defect.

The county opening brief to the court of appeals admitted the decision it seeks from LCDC on a “clearly supported” pitch is unavailing, arguing: “it is highly unlikely that any two separate study areas would appear to be similarly situated after the consideration and application of some 23 reserve factors.” Mult Op Br p 33. In fact, the sum total of the county claim of the required “meaningful analysis” is citation to general evidence (1) that the “northern half” of Area 9D is forested and subject to little risk of urbanization, and (2) the “southern half” is “primarily farm area”, is “mapped ‘important farmland’ with limitations but “good integrity overall”, and “edges compatible to farming”, (3) that the southern half “contains stream features of Abbey Creek mainstream, north fork and headwaters areas that are mapped as important regional resources and that separate urban

from rural lands”, (4) the southern half is subject to a risk of urbanization and has “some important upland habitat areas of less value than in the north. Mult Co. Br at 12; *see also* 15-18. These are not responsive to the court’s remand or all the reserves factors; the evidence is conflicting on these topics, and is far from a meaningful explanation that a particular result is “obvious.” *Barkers Five*, 261 Or 345-346.

Even if LCDC speculation could supplant the required local analysis, it is not “obvious” that a rural reserve designation is required on farm or forestry bases. Barkers property and much of the immediate area does not have irrigation and has significant groundwater limitations. ER-19, 5, 1-2, Rec-Item-21 580, 604; MultRec-1732, Rec-Tr-Vol.11, 143-144. The Barkers property is in an area “south of the power line” which the ODA report explains does not have “good integrity” for agriculture. Mult Rec. 46. The Barkers’ property is zoned EFU and a rural reserve designation is not required to protect agriculture or agricultural values on EFU zoned land:

“Undesignated EFU areas continue to be planned and zoned for exclusive farm use, in compliance with Goal 3. There is nothing in Goal 3 that requires Applicable statutory and rule provisions to be interpreted to require rural reserve designation of lands that could qualify under the rural reserve factors.”  
Order 104

The “southern half” is “more parcelized” than the “northern half”. Exh 3, Mult Rec. 46 (“This area is almost completely surrounded by the [UGB] and rural residential exception lands.”) *See also* Mult Rec.349. The evidence is that small parcels were not considered suitable to support long term agricultural operations. Mult Rec.29, 280, 351; *see* 250. There is no “obvious” way to conclude OAR 660-027-0060(2)(b) (c) or (d) are met. Please keep in mind that the court of appeals’ remand was for “further action consistent with the principles expressed in this opinion.” 261 Or App 265. There is nothing “consistent with the principles” expressed in that decision for LCDC to speculate about how the county and Metro would analyze the factors under a correct analysis or what it would decide.

Similarly, it is not obvious that “consideration of the pertinent factors yields a designation of all the land in Area 9D – including Barkers’ property – as rural reserve” on the natural reserves basis either. Much of the “evidence” the county cites is equivocal; various factors have low or medium rural reserves suitability and similarly many urban reserves factors had medium suitability. Further, the Barkers evidence at Exhibit 1 undermines the county’s evidence. Petitioners’ property is two (2) miles from Forest Park. LCDC Tr-Vol II, 144; MultCo-Vol.1, 289. It is in the foothills and flats, not in the Tualatin Mountains. ER-2; Transcript-Vol II, 144. Its slopes are between 3-20%. ER-7, 19; Rec-Item-21 582, 604. Petitioners’ property is not “steep” as the region used slopes of 25% or less as the benchmark for developable non-industrial lands. JER-878; Rec Vol.1 386, 403, 685; Vol.2, 76, 78, 97, 104, 119; Rec-Vol.14, 8245. Petitioners’ property has no buttes, bluffs, islands or extensive wetlands. ER-10, Rec-Item-21-585.

The county’s citation to Abbey Cr. or its “riparian” features is also unavailing, Abbey Cr. and its riparian features are already in the UGB and its related features have already been relied on by Metro to justify including them in the North Bethany UGB expansion. Rec-Transcript-Vol.II-144; *See* ER-7; Rec-Item-21, 585; ER-10, Rec-Item-21, 585; Mult Rec 2748, 2754 (“The inclusion of all of areas 84-87 allows Abby (sic) Creek and the adjoining riparian zone to form a natural buffer separating the Bethany area from the resource land and existing rural neighborhoods to the north, and it utilizes the power lines and also the Multnomah County line as clear demarcations along the expansion area's eastern border.”) There is nothing obvious that Barkers land or any part of Area 9D is justified as rural reserve where those same features that served to justify the UGB as a buffer.<sup>4</sup> There is certainly no “meaningful explanation” of why this would be the case. Further, the evidence

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<sup>4</sup> As far as Barkers can tell, the Abbey Cr. Headwaters are nowhere near their property.

relied on by the county discusses Metro's February 2007 "Natural Landscape Features Inventory" mapping (the only basis for a natural reserves rural reserves designation in the local decision) and explains "These maps do not include a large patch in the Kaiser Rd. area, nor a smaller patch east of Abbey Creek north fork as important regional habitat." Mult Rec. 2996. Ostensibly this is petitioners' property and the evidence is clear that it is not included on the Metro natural features mapping. The "sense of place" rationale on its own per the court was inadequate to meaningfully explain why all of Area 9D including the Barker property must be designated rural reserve under *all* the factors. It is impossible to conclude that the *only* outcome the evidence supports is that the Barker property be rural reserve.

Further, the county's analysis was not "obviously" limited to the north and south of the Skyline/Cornelius Pass intersection at all. The evidence is undisputed that different areas were analyzed differently and that the court required analytical tie is absent. *See* Exh 4. For example, the county evaluated "800 acres" included the Barkers property as analytically distinct. Mult Rec 1887, 2658. Area 6 (including the Barkers property) was analyzed with Area 7b. Mult Rec 2565. The county used power line corridors in Area 6 and 7 as a break point, but there is confusion in the record about what power corridors were analyzed, the county citing a lack of time. Mult Rec. 349; *see* Exh 4. Barkers property is south and east of one power line corridor, west of another one and some of the Barkers property is south of Germantown Rd. Mult Rec. ER-24; Rec-MultCo-Vol-1, 699; -697. All of Barkers' property was nevertheless erroneously mapped as Area 6b. Mult Rec. 2656 (explaining Area 6 is divided from Area 7 "to the south by a power line corridor" and that Area 7 "*adjacent to N. Bethany*" ranked low under the rural reserves factors). Mult Rec. 2594. The Barkers property is adjacent to N. Bethany. Accordingly, the Barkers property meets the description of "Area 7" which staff ranked as "low" for natural resource features. Mult Rec. 2594. Yet,



Area 9D emerged from Area 6a and 6b, not Area 7. The evidence is that the Barkers property in Area 6b is “west of Abbey Cr” (Mult Rec. 2594) and was given “Medium/Low” suitability for urban reserves. Mult Rec. 2594. It “ranked ‘high’ efficiency for water, and includes area with both high and low efficiency for sewer service.” Mult Rec 2565. As noted in Barkers’ initial LCDC brief, sewers and wells are failing in this area and there are still 80 undeveloped lots capable of being developed with rural residences.

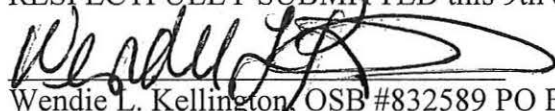
The point is there is no coherent explanation, let alone one that is “obvious,” that the reserves factors were applied to all the land in Area 9D, dissimilarities acknowledged nor any analysis at all regarding the characteristics of the Barkers property. The county’s evidence does not obviously explain anything.

LCDC may determine that the effect of the errors identified by the court significantly undermine and delay final designation of reserves “in their entirety.” LCDC can order the County to remove the Barkers’ property from Area 9D, and to leave the Barkers property undesignated. OAR 660-025-0160(7)(c).

Or, LCDC’s may acknowledge the county’s incorrect analysis affects the Multnomah County reserves “in their entirety” and remand for a new decision based on the proper application of the law. Such would direct the county to decide the reserves designation “on balance best achieves” the particular identified objectives of the reserves rules. OAR 660-027-005(2). The analysis required under the second option must consider the change to the regional balance of reserves following HB 4078 to determine what designation of Area 9D on balance best achieves specific reserves’ purposes described in OAR 660-027-005(2). County/Metro is wrong that HB 4078 repealed or preempts the “best achieves” standard. The legislature rejected the county/Metro position as the leg. hist. shows. Ex. 5. It is a well-established statutory interpretation rule that repeal is not to be inferred in any case.

Finally, Chesarek's brief should be stricken. Her 18 page single spaced brief, if double-spaced would well exceed the 25-page limit identified in the Scheduling Order. The Order states that a brief is not "acceptable" if it exceeds that limit. In the alternative, LCDC's review is limited to the record. OAR 660-003-0050(5); OAR 660-025-0085. Chesarek's claim that the CAC "never had time to give a lot of consideration" to the designation of the area in question, "even when developing [their] final recommendations" is not in the record. To the extent there is any such evidence, her arguments that the county failed to adequately evaluate the rural reserve factors was precisely the court of appeals' point and supports remand. Her claim "\* \* \* only the part of Area 9D which is south of Skyline will be visible" is not in the record. Her claims about the intentions of participants, are not in the record. Her claims that the factor analysis continued to evolve is not in the record. Her claim that the natural resources inventory used for designating reserves continually changed, is not in the record. The latter is contrary to OAR 660-027-0060(3) requiring consideration of "those areas identified in Metro's February 2007 "Natural Landscape Features Inventory \* \* \*." This 2007 Metro inventory may not be ignored for updated versions without amending the reserves rules. In fact, the evidence in the record is that the local governments relied exclusively on the Metro Landscape Features Inventory for designating rural reserves on the natural reserves basis. LCDC Order 116, 117, 122, 123, 125, 134, 296; 261 Or App 267-268, 345, 350-351. Her claim that "steep slope hazards exist in area 9D both north and south of Skyline, and the wildlife corridor includes both sides of the mountains" are not an "obvious" "meaningful explanation and, at a minimum, the evidence is conflicting in any case.

RESPECTFULLY SUBMITTED this 9th day of October, 2014 (nun pro tunc).



Wendie L. Kellington, OSB #832589 PO Box 159 Lake Oswego OR 97034  
(503 636-0069) [wk@wkellington.com](mailto:wk@wkellington.com) Attorney for Petitioners Barkers Five/Sandy Baker



Metro Land Use Meeting

January 20; Wednesday.

Commissioners

Thank you for hearing my testimony.

I am Sandy Baker...maiden name is Barker. Along with my 4 siblings we are 4<sup>th</sup> generation owners of 62 acres that sits just inside west Multnomah county, abutting Washington County and the current UGB.

The maps I have presented identifies my property and the suggested area.

I am advocating this area, the most southern area in 9D, be reconsidered as Urban Reserve or the very least undesignated.

The reasons are tied to the very FACTORS of SB 1011.

- PROXIMITY... abuts the current UGB. This is not just available land for the future, but a very committed plan designed for up to 15,000 people.
- Obvious Future infrastructure (the north Bethany expansion).
- Buildable
- Connectivity
- It's walkable.. with 2 future schools close to us.
- Can be designed to preserve and enhance natural ecological systems:
- Potential park access...we have 2 creeks on the lower parcel which would provide a valuable parkway and wildlife protection in this area, if urban.
- Transportation issues: Traffic on Kaiser and Germantown roads ...are already an issue

- This area is NOT foundation land.
- This area does not have irrigation rights. Which means we cannot sustain fair farming practices as in Washington co abutting us. We cannot participate in the CSA program. There is also the threat of an aquifer problem in this very area. Residents to the east have made this very clear.
- There is a large development above us along Skyline, future North Bethany south and rural residential to the east.
- There is the devaluation of property.

With this foresight of tremendous growth (north Bethany) bordering this area, you can logically plan a head to avoid problems and utilize the potential parkways, protection of streams and wildlife corridors.

Towards the end of the Mult CAC process there was a change in factor interpretations... we were subjected to the safe harbor factor in 0060 (4) which qualifies using the ODA map as rural reserve without justification. This is wrong. And does not need to be used.

This OGA line dividing important and conflicted land is an arbitrary line. How can half of this residential area be considered important and the other conflicted.

For the most part during this process, this finger of land was considered urban reserve.

Finally, I attended the Multnomah Co CAC meetings beginning in Oct 2008. It was my observation that the process was dominated by a particular CAC member with a hidden agenda that appeared to be, NO URBAN RESERVES in this part of Multnomah co (Westside)... this individual lives just east of my property on a small parcel less than 2 and a half acres on Germantown road. And, along with others, has been campaigning for many years in preparation to lock this area out from any urban consideration.

In response to a public record request, we received email communication which indicates a biased agenda that stained the process. The majority of material presented during this process, especially by this individual, dominated, manipulated, and was prejudice. This contradicts the proposed SB 1011.

This binder is the communication supporting my observations. This was a flawed process.

I am not a developer, I do not have a developer. I am a property owner who wants a fair and logical designation.

Thank you.

Sandy Baker

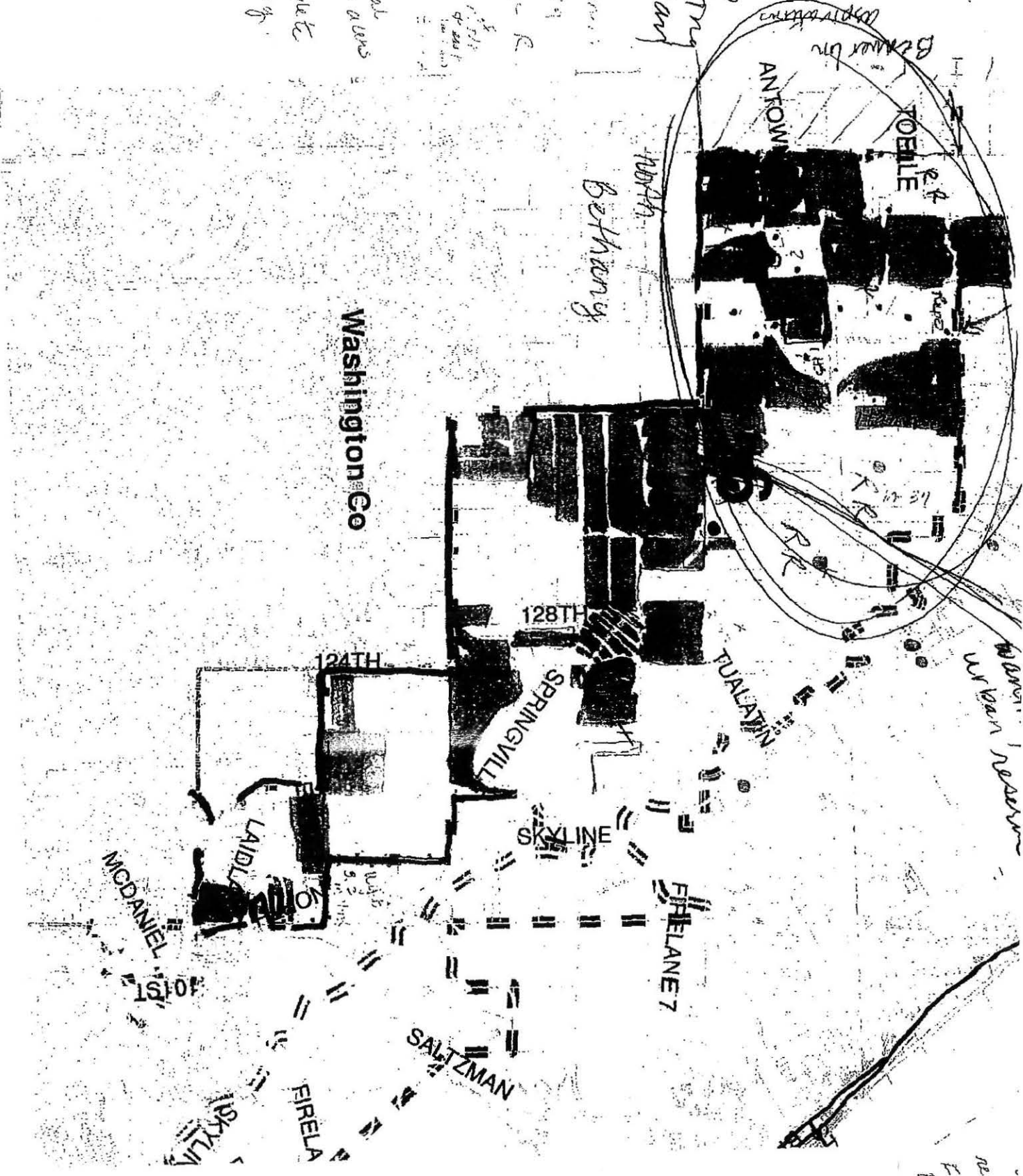
Personal note: we were born and raised on this property but were denied the right to build and raise our families due to the continued land use regulations. It has been in the family for 105 and used as pasture land only...our parents owned a bakery to support the family. We were a measure 37 and now a measure 49.

at 9D

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aue 805

Property  
Barnes  
Exhibit  
Barb and

1047 aue  
11 complete  
Survey of



Mark P. O'Donnell  
Kelly W. G. Clark  
Stephen F. Crew  
Matthew D. Lowe\*  
*\*also licensed to practice in Washington*  
Kristian S. Roggenbort  
Peter B. Janci  
Gillon C. Dumas, of Counsel\*  
*\*also licensed to practice in California and Washington*



Fremont Place II, Suite 302  
1650 NW Naito Parkway  
Portland, OR 97209-2534  
Ph: 503.306.0224  
Fax: 503.306.0257  
  
www.oandc.com  
info@oandc.com

December 16, 2009

*Via facsimile, electronic mail and US Mail*

Commissioner Tom Brian, Chair  
Washington County Board of Commissioners  
155 N. First Avenue, Suite 300  
Hillsboro, OR 97124-3072

Kathryn Harrington  
Metro Councilor  
600 NE Grand  
Portland, OR 97232-2736

Charlotte Lehan  
Clackamas County Board of Commissioners  
2051 Kaen Road, 4<sup>th</sup> Floor  
Oregon City, OR 97045

Jeff Cogen  
Multnomah County Board of  
Commissioners  
501 SE Hawthorne Blvd.  
Portland, OR 97214

Dear Commissioners Brian, Lehan and Cogen, and Councilor Harrington:

We represent the Barker family with regards to their real property located within the southern portion of Map Area 6b of the Multnomah County Candidate Area Maps: Potential Urban and Rural Reserve Areas (the "Property") and which is currently being considered for designation as either "Urban Reserve" or "Rural Reserve." See attached map. This letter sets forth our clients' concerns as to the propriety of the Multnomah County Citizen Advisory Committee's ("MCAC") recommendation that the Property be designated as Rural Reserve and explains why the Property is best suited to be designated as Urban Reserve, or to be left with no designation at all. We urge you to consider the issues raised in this letter prior to making your determination.

1. **The Property clearly meets the applicable factors for designation as Urban Reserve set forth in OAR 660-027-0050**

In recommending that the Property be designated as Rural Reserve, the MCAC engaged in an outcome determinative process with the largely unconcealed goal of designating the Property as Rural Reserve. Contrary to this conclusion, the Property is perfectly suited to be designated as Urban Reserve. This determination is supported not only by the Property's characteristics, but also by a casual review of applicable maps which reveal that the entirety of the Property, except for a small area separating the northern portion of Map Area 6b from the southern portion is surrounded either by the edge of the Urban Growth Boundary (specifically the North Bethany expansion to the south), or areas that are currently developed as rural residential or recommended to be Urban Reserve. Given its location, there is no logical reason why the Property should be designated as Rural Reserve. Moreover, as discussed below, the Property clearly meets the

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applicable factors for designation as Urban Reserve set forth in OAR 660-027-0050 which requires that Metro "shall base its decision" on the designation of applicable property on consideration of these factors.

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

**YES** - The North Bethany expansion is located immediately to the south of the Property, which expansion will include substantial infrastructure development, new schools, etc. The Property is fully accessible on several sides as it is unencumbered by power lines, existing structures, and roadways. Additionally, the Property has excellent park access at both its upper and lower portions, and its slopes are suitable for development ranging from 3% to 20%, with a mid-range of 10% to 12% slope.

- (2) Does the Property have sufficient development capacity to support a healthy economy?

**YES** - The answer to (1), above, and several of the answers below support this conclusion. Specifically, the vast majority of the Property has more than sufficient capacity for development and will complement and support the North Bethany expansion.

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

**YES** - The Property abuts the Urban Growth Boundary, including the North Bethany expansion, which will include urban-level facilities and services, as well as at least two public schools which will be built within walking distance from much of the Property.

- (4) Can the Property be designed to be walkable and served with a well-connected systems of streets, bikeways, recreation trails, and public transit by appropriate services providers?

**YES** - Again, the property abuts the North Bethany expansion. Also, it is walkable and will be served both internally (upon development) and externally, via the surrounding neighborhoods, with a well-connected systems of streets,

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bikeways, recreation trails and public transit.

- (5) Can the Property be designed to preserve and enhance natural ecological systems?

YES - There are two creeks on the lower portion of the Property owned by our clients which is not only buildable, but would be a tremendous parkway to serve all of the surrounding neighborhoods.

- (6) Does the Property include sufficient land suitable for a range of needed housing types?

YES - As noted above, nearly the entire Property is suitable for development and the Property's characteristics are such that it is perfectly suitable for any needed housing type.

- (7) Can the Property be developed in a way that preserves important natural landscape features included in urban reserves?

YES - The Property can easily be developed in a way to preserve natural landscape features included in Urban Reserve. It should be noted that the Property is actually better suited for development in this manner than the North Bethany expansion given its characteristics.

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

YES - As noted above, the Property is almost entirely surrounded by development and property that will be designated as Urban Reserve. There is no foundation agricultural property abutting, or even nearby, the Property. The Property easily meets this factor.

The answers to each of the questions above, which clearly support an Urban Reserve designation for the Property, have been documented in the public record and presented to the MCAC, which has simply ignored this information. The following section of this letter addresses each of the Rural Reserve factors and shows, equally clearly, that the Property is simply not suited to be designated as Rural Reserve.



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2. **The Property clearly does not meet the applicable factors for designation as Rural Reserve set forth in OAR 660-027-0060**

The factors to be considered for designation of property as Rural Reserve are set forth in OAR 660-027-0060(2) and (3). Inasmuch as the Property plainly is not suitable to "provide long-term protection to the agricultural industry or forest industry" due to its location abutting existing residential development and future large-scale development, the following will address only the factors set forth in OAR 660-027-0060(3)(b) - (h) pertaining to land intended to "protect important natural landscape features."

- (b) Is the Property subject to natural disasters or hazards such as floodplains, steep slopes, and areas subject to landslides?

**NO** - The Property is not subject to natural disasters or hazards (certainly not more than surrounding areas), has no steep slopes and is not subject to landslides. While there is a small floodplain toward the lower portion of the Property, this area is well-suited to serve as a parkway or other undeveloped recreational area in support of surrounding development, including the North Bethany expansion. Moreover, it should be noted that the steepest slope in the area is actually located inside the North Bethany expansion to the south of the Property.

- (c) Is the Property important fish, plant or wildlife habitat?

**NO** - While we are hesitant to consider any property as not being important to fish, plant or wildlife habitat, it simply must be noted that this Property is no different in this respect than the surrounding properties that have been allowed to be developed for residential purposes and that will be developed under the North Bethany expansion. To answer this question in the affirmative is not only unfair, but is completely self-serving to those owners of surrounding properties who have been allowed to develop their own property and want to deny the same right to neighboring property owners such as the owners of the Property.

- (d) Is the Property necessary to protect water quality or water quantity, such as streams, wetlands and riparian area?

**NO** - First, this Property is no different than surrounding properties upon which small creeks flow, including property inside the UGB. Moreover, Sec overlays have been removed from the Property allowing for additional areas to be developed within the Property. In short, the Property is not necessary to protect



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water quality or quantity.

- (e) Does the Property provide a sense of place for the region, such as buttes, bluffs, islands and extensive wetlands?

NO - As noted throughout this letter, the Property is virtually indistinguishable from surrounding property that is within the Urban Growth Boundary, is residentially developed, and that will be designated as Urban Reserve. More specifically, the Property contains no buttes, bluffs, islands or extensive wetlands. In fact, the nearest "butte" is located inside the Urban Growth Boundary in the North Bethany expansion to the south.

- (f) Can the Property serve as a boundary or buffer, such as rivers, cliffs and floodplains, to reduce conflicts between urban uses and rural uses, or conflicts between urban uses and natural resource uses?

NO - As noted above, the nearest butte is located to the south of the Property inside the North Bethany expansion, and nothing located on the Property is suitable to serve as a natural boundary or buffer. In fact, a designation as Rural Reserve will be a completely arbitrary buffer and will in no way serve to reduce conflicts between urban and rural uses given that the Property is almost entirely surrounded by currently developed property, the North Bethany expansion, and property to be designated as Urban Reserve.

- (g) Does the Property provide for separation between cities?

NO.

- (h) Does the Property provide easy access to recreational opportunities in rural areas, such as rural trails and parks.

NO. In fact, the exact opposite is true. The Property provides easy access to recreational opportunities in urban areas, such as Forest Park and the North Bethany expansion. Arguments to the contrary simply ignore the geographic reality of the area.

As is evident from review of these factors, the Property is simply not suitable to be designated as Rural Reserve. Again, each of these answers can be, and was, fully documented and is in the public record having been presented to the MCAC.

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3. The MCAC recommendation to designate the Property as Rural Reserve serves the personal interests of MCAC members and is not supported by the evidence in the record.

The MCAC recommendation to designate the Property as Rural Reserve must not be accepted. As noted above, the Property meets each and every factor that must be considered by Metro to designate the Property as Urban Reserve, and does not meet any factor to be considered by Metro to designate the Property as Rural Reserve. A review of the actual recommendation for the Property by the MCAC, quoted below for your ease of reference, supports these conclusions:

West Hills South – Map Areas 6a and 6b: Designate this area as rural reserve. The area north of Skyline (6a) is important agricultural (forest) land, continues the landscape feature/wildlife corridor from area 5 into Forest Park, and ranks high on the sense of place factor. The area from Skyline Blvd. south to Germantown Rd., is also important agricultural land, and includes landscape features that form urban – rural edges along the south, east, and northwest borders of this area. These are the Abbey Creek drainage, the Powerlines right-of-way, and the Rock Creek drainage. While this area contains approximately 800 acres of land with moderately low suitability for urban use, the area also qualifies for rural reserve designation as important agricultural land within 3 miles of the UGB. The urban deficiencies in this area are important – lack of governance, transportation system costs, etc., indicating that rural reserve is the better designation.

This recommendation is rife with unsupported and subjective conclusory statements. For example, the recommendation states that the Property is of “moderately low suitability for urban use.” As noted above this is simply false, particularly in light of the irrefutable fact that the Property is surrounded nearly entirely by developed property, the Urban Growth Boundary, and property that will be designated as Urban Reserve.

Another example is the statement that the “area qualifies for rural reserve designation as important agricultural land...” Again, as the recommendation relates to the Property, this statement is false. The property immediately adjacent to the Property is not agricultural property.<sup>1</sup> Finally, to state that the Property has “urban deficiencies” ignores the location of the Property next to the North Bethany expansion which will bring substantial improvements to the

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<sup>1</sup>In fact, the property immediately to the west of the Property is recommended to remain un-designated, which recommendation was made by the MCAC and staff in direct opposition to a directive by Nora Curtis, of Washington County Clean Water Services, who indicated that the map upon which the recommendation relied was not to be used for such purposes.

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infrastructure, as well as the residential development to the east of the Property.

While we can only speculate as to the specific reasons why the MCAC ignored the volumes of information presented to them, our review of public records produced by the MCAC reveals an outcome driven process led and manipulated by the Chair of the MCAC who owns property immediately to the east of the Property. Simply stated, designating the Property as Rural Reserve will provide the Chair, and her neighbors, with their own personal buffer between the North Bethany expansion and other property to be designated as Urban Reserve, despite the clear evidence contradicting a Rural Reserve designation. The manipulation of this process directly contradicts the direction to, and agreement by, MCAC members to "participate in a way that reflects a broad and balanced range of community interests rather than individual views."

As you prepare to make your recommendation as to which property to designate as Urban Reserve and Rural Reserve, we respectfully request that you consider the contents of this letter as it relates to designation of the Property, and also consider the devastating impact that a Rural Reserve designation will have on all property owners who own such property. As noted above, even a casual glance at the map shows very clearly that the Property is not in any way suited to be designated as Rural Reserve.

In the event that the Property is ultimately designated as Rural Reserve, and in light of the skewed process undertaken by the MCAC and public records reviewed relating to that process, our clients are prepared to consider all legal options and remedies available to them under state and federal law.

Sincerely,



Matthew D. Lowe

/mdl

Enclosure

cc: Metro Council (*via electronic transmission*)  
Clients (*via electronic transmission*)

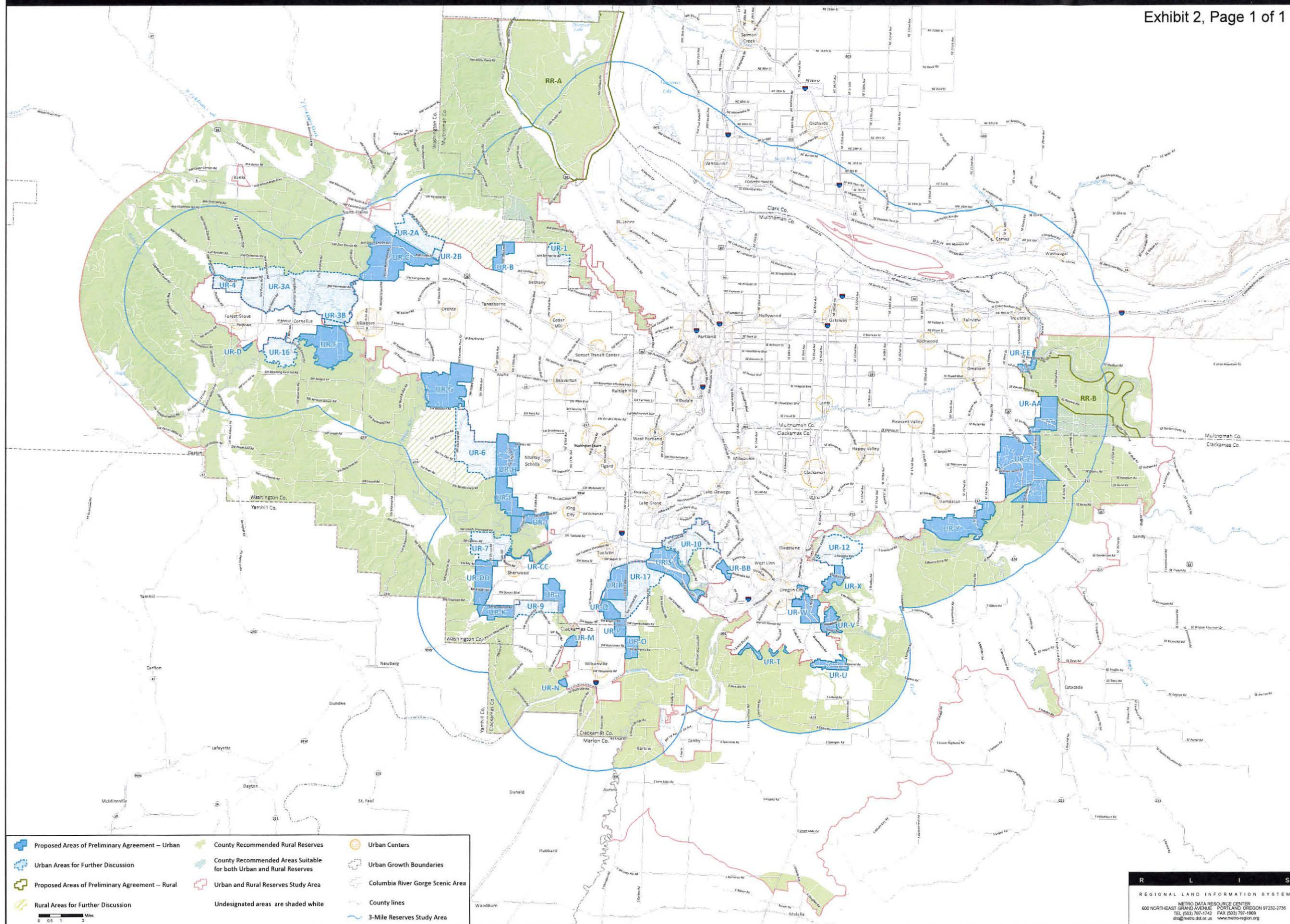




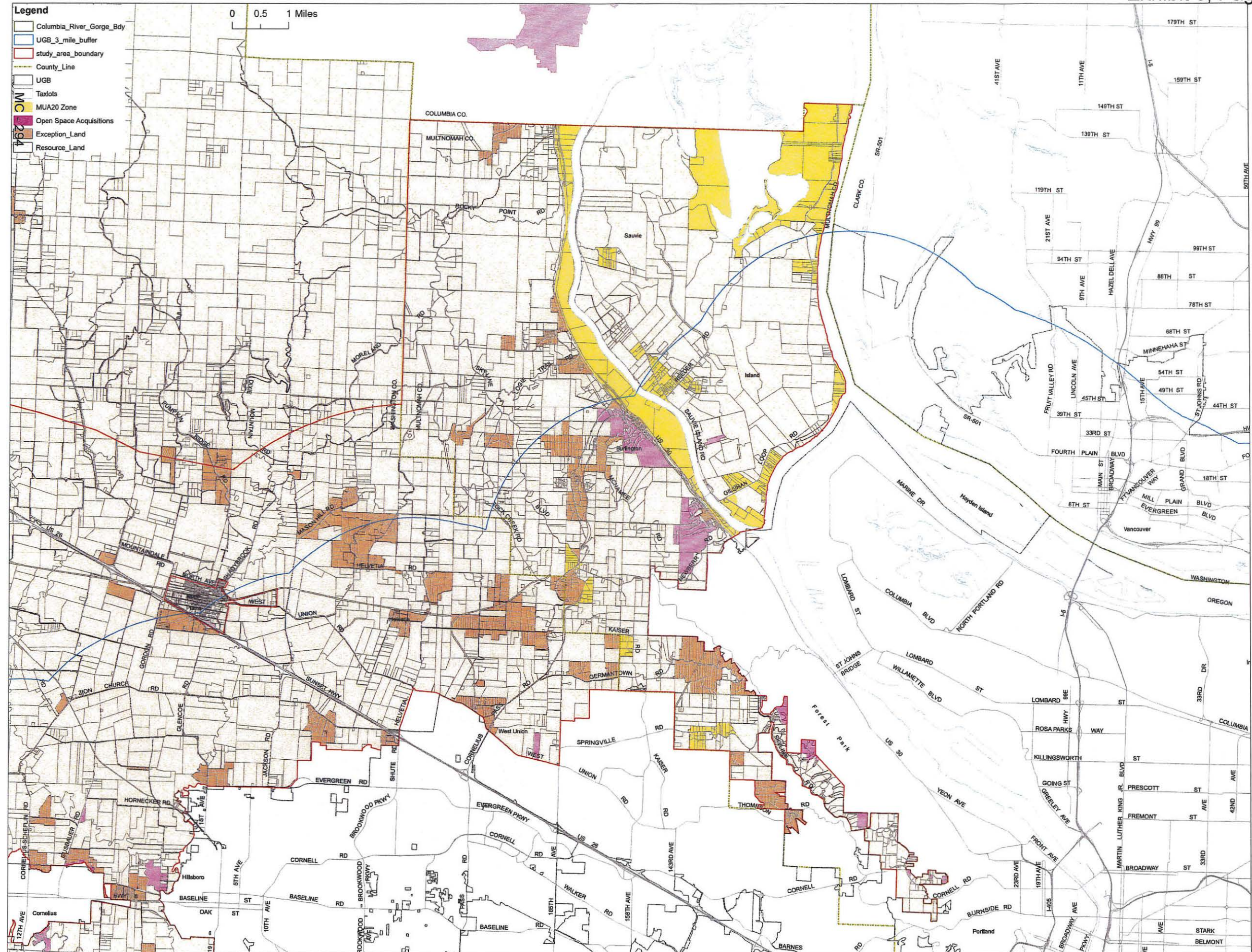
12/03/09

## Core 4 Proposed Areas of Preliminary Agreement and Areas for Further Discussion

Exhibit 2, Page 1 of 1









Legend

- Columbia River Gorge Bdy
- UGB 3 mile buffer
- study area boundary
- County Line
- UGB
- Taxlots
- MUA20 Zone
- Open Space Acquisitions
- Exception Land
- Resource Land

Put signs up

4+

dike is buffer

potential rezoning  
high for neighborhood  
based proximity

Abbey Ct.

Rock Ct.

find line

Power line

Rail line

Park  
Fire



Unknown

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**From:** Claudia Black [claudia.black@multco.us]  
**Sent:** Tuesday, February 25, 2014 11:45 AM  
**To:** TOMKINS Jed  
**Cc:** SCHILLING Karen; BOGUE Emerald  
**Subject:** Fwd: Land Use Admendments  
**Attachments:** 20140225 - hb4078 12.doc; ATT01029.htm

From Rep. Unger.

Claudia Black, Co-Director  
Office of Government Relations  
Multnomah County  
503-709-4806

Begin forwarded message:

**From:** "Rep Unger" <[rep.benunger@state.or.us](mailto:rep.benunger@state.or.us)>  
**Date:** February 25, 2014, 11:41:23 AM PST  
**To:** "[clyons@clackamas.us](mailto:clyons@clackamas.us)" <[clyons@clackamas.us](mailto:clyons@clackamas.us)>, "[claudia.black@multco.us](mailto:claudia.black@multco.us)" <[claudia.black@multco.us](mailto:claudia.black@multco.us)>  
**Subject:** Land Use Admendments

This is Lisa, Rep. Unger's LA. He wanted me to send these amendments to you. Please let me know if you have any questions or input.

Thanks,

Lisa Herzog

Unknown

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**From:** michelle.plambeck@multco.us on behalf of District 3 [district3@multco.us]  
**Sent:** Wednesday, February 26, 2014 9:21 AM  
**To:** Judy SHIPRACK; Adam RENON  
**Subject:** Fwd: Draft amendments to land use legislation  
**Attachments:** ATT00001.htm; 20140225 - hb4078 12.doc

----- Forwarded message -----

**From:** Rep Lininger <[rep.annlininger@state.or.us](mailto:rep.annlininger@state.or.us)>  
**Date:** Tue, Feb 25, 2014 at 1:45 PM  
**Subject:** Draft amendments to land use legislation  
**To:** "jbernard@co.clackamas.or.us" <[jbernard@co.clackamas.or.us](mailto:jbernard@co.clackamas.or.us)>, "psavas@co.clackamas.or.us" <[psavas@co.clackamas.or.us](mailto:psavas@co.clackamas.or.us)>, "gschmidt@clackamas.us" <[gschmidt@clackamas.us](mailto:gschmidt@clackamas.us)>, "smadkour@co.clackamas.or.us" <[smadkour@co.clackamas.or.us](mailto:smadkour@co.clackamas.or.us)>, "dchandler@co.clackamas.or.us" <[dchandler@co.clackamas.or.us](mailto:dchandler@co.clackamas.or.us)>, "district3@multco.us" <[district3@multco.us](mailto:district3@multco.us)>, "claudia.black@multco.us" <[claudia.black@multco.us](mailto:claudia.black@multco.us)>

Here are draft amendments to the legislation that Rep. Clem has been leading the effort to develop. Wanted to keep you in the loop. Thanks. Ann

---

**From:** Rep Clem  
**Sent:** Tuesday, February 25, 2014 11:22 AM  
**To:** Shaun Jillions; Randy Tucker; Dave Hunnicut <[dave@oia.org](mailto:dave@oia.org)>; Jon Chandler; Jason Miner; Mary Kyle McCurdy; [jjohnson@oda.state.or.us](mailto:jjohnson@oda.state.or.us); Chris Crean; Rep Unger; Rep Davis; WHITMAN Richard M \* GOV; [Bruce.C.MILLER@ojd.state.or.us](mailto:Bruce.C.MILLER@ojd.state.or.us); Ann lininger; Rep Lininger; [christy@olcv.org](mailto:christy@olcv.org)  
**Subject:** Fwd: My Thoughts

First shot at amendments. Please review ASAP and forward to anyone you don't see on the list that needs it.

BC

Representative Brian Clem. HD21  
H-284, State Capitol - Salem, OR  
[\(503\) 986-1421](tel:(503)986-1421) - Office

Begin forwarded message:

**From:** Reiley Beth <[ReileyB@leg.state.or.us](mailto:ReileyB@leg.state.or.us)>  
**Date:** February 25, 2014 at 11:14:30 AM PST  
**To:** Rep Clem <[ClemB@leg.state.or.us](mailto:ClemB@leg.state.or.us)>  
**Subject:** FW: My Thoughts

Here is Harrison's draft. He is sending it to pubs now so let me know if you want changes.



Beth Reiley

[503.986.1755](tel:503.986.1755)

---

**From:** Conley Harrison  
**Sent:** Tuesday, February 25, 2014 11:14 AM  
**To:** Jim Johnson; Reiley Beth  
**Subject:** RE: My Thoughts

This includes Mary Kyle McCurdy's issue at section 3 (5). I also fielded a call from Roger with Metro who is emailing another nit that is not yet in the draft.

As noted, the structure of section 3 is: Sub (1) confirms rural reserves plus changes; sub (2) confirms urban reserve changes; and sub (3) addresses changes to undesignated real property.

Since my pubs person stuck her head in my door, I have decided to print and let you and them have at it. However, with the interruptions, I may have been in the middle of something that did not get completed. Certainly, I intend to keep reviewing while you and my editors have it.

B. Harrison Conley  
Senior Deputy Legislative Counsel  
Legislative Counsel Committee  
900 Court Street NE - S101  
Salem, OR 97301-4065  
[503-986-1243](tel:503-986-1243) (Phone)  
[503-373-1043](tel:503-373-1043) (Fax)

---

**From:** Jim Johnson [<mailto:james.w.johnson@state.or.us>]  
**Sent:** Tuesday, February 25, 2014 8:52 AM  
**To:** Conley Harrison  
**Subject:** Re: My Thoughts

OK

Jim Johnson

Oregon Department of Agriculture

Sent from my iPhone

On Feb 25, 2014, at 8:43 AM, "Conley Harrison" <[harrison.conley@state.or.us](mailto:harrison.conley@state.or.us)> wrote:

Come on over. Even if we are still at it, my 9:30 should be quick.

B. Harrison Conley  
Senior Deputy Legislative Counsel  
Legislative Counsel Committee  
900 Court Street NE - S101  
Salem, OR 97301-4065  
[503-986-1243](tel:503-986-1243) (Phone)  
[503-373-1043](tel:503-373-1043) (Fax)

**From:** James Wallace Johnson [<mailto:james.w.johnson@state.or.us>]  
**Sent:** Tuesday, February 25, 2014 8:42 AM  
**To:** Conley Harrison  
**Cc:** Reiley Beth  
**Subject:** Re: My Thoughts

I am know available. I can come over when best for you.

Jim Johnson  
Land Use and Water Planning Coordinator  
Oregon Department of Agriculture  
635 Capitol Street N.E.  
Salem, Oregon 97301

[\(503\)986-4706](tel:5039864706)  
[jjohnson@oda.state.or.us](mailto:jjohnson@oda.state.or.us)

<image001.png>

On Feb 25, 2014, at 7:56 AM, "Conley Harrison" <[harrison.conley@state.or.us](mailto:harrison.conley@state.or.us)> wrote:

I just booked a 9:30 am, but you're my top priority if you want to meet this morning.

B. Harrison Conley  
Senior Deputy Legislative Counsel  
Legislative Counsel Committee  
900 Court Street NE - S101  
Salem, OR 97301-4065  
[503-986-1243](tel:503-986-1243) (Phone)  
[503-373-1043](tel:503-373-1043) (Fax)

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**From:** Jim Johnson [mailto:[johnsonjw3@frontier.com](mailto:johnsonjw3@frontier.com)]  
**Sent:** Monday, February 24, 2014 8:57 PM  
**To:** [vendorz@yahoo.com](mailto:vendorz@yahoo.com); Conley Harrison  
**Cc:** [jjohnson@oda.state.or.us](mailto:jjohnson@oda.state.or.us); [johnsonjw3@frontier.com](mailto:johnsonjw3@frontier.com)  
**Subject:** My Thoughts

Harrison

Attached is an edited version that includes some changes made today such as a reduction in Bendemeer and an extension of the line from said area to the east. If OK with you, let's get together early tomorrow and go over these. If you need to contact me this evening, you can reach me at [503-620-2549](tel:503-620-2549). I have not yet reviewed the rest of the bill.

Good work!

--

Jim Johnson

--

**Office of Commissioner Judy Shiprack**

Multnomah County District 3  
501 SE Hawthorne Blvd., Suite 600  
Portland, OR 97214  
503 988 5217

Proposed Amendments to  
House Bill 4078

2/23/14 (BHC/ )

LC 141

On page 1 of the printed corrected bill, line 2, after the semicolon insert <<creating new provisions; amending ORS 197.299, 197.626 and 197.651;>>.

In line 10, after <<approved>> insert <<legislative>> and delete <<2002>> and insert <<2005>>.

On page 2, delete lines 28 and 29 and insert:

<<(17) On June 14, 2012, the commission unanimously approved the expansion of the urban growth boundary by Ordinance No. 11-1264B in Approval Order 12-UGB-001826.>>.

Delete lines 37 through 44 and insert:

<<(20) The regional and local land use decisions related to Multnomah County and Clackamas County that were approved by the Land Conservation and Development Commission in Approval Order No. 12-UGB-001826 and sections 3 and 4 of this 2014 Act achieve a balance in the expansion of the area within the urban growth boundary and in the designation of urban reserves and rural reserves that best achieves:

<<(a) Livability in our communities;

<<(b) Viability and vitality in our agricultural and forest industries; and

<<(c) Protection of the important natural landscape features that define the metropolitan region for its residents.

<<**SECTION 2. (1) Section 3 of this 2014 Act is added to and made a part of ORS 195.137 to 195.145.**

<<**(2) Section 4 of this 2014 Act is added to and made a part of ORS 197.295 to 197.314.**

<<**SECTION 3. (1) For purposes of land use planning in Oregon, the Legislative Assembly designates the land in Washington County that was designated as rural reserve in Metro Resolution No. 11-4245, adopted on March 15, 2011, as the acknowledged rural reserve in Washington County, except that BEAVERTON S (AKA SCHOLLS FERRY/TILE FLAT ROADS) - the real property in Area 5C on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> that is more particularly described as tax lots 1500 and 1501, section 1 of township 2 south, range 2 west, Willamette Meridian, is not designated as a reserve area or included within the acknowledged urban growth boundary.**

<<**(2) For purposes of land use planning in Oregon, the Legislative Assembly designates the land in Washington County that was designated as urban reserve in Metro Resolution No. 11-4245, adopted on March 15, 2011, as the acknowledged urban reserve in Washington County, except that:**

<<**(a) AREA 8A - CENTRAL - The real property in Area 8A on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT)> that is east of the east boundary of the right of way of Jackson School Road and east of the east bank of Storey Creek and the east bank of Waibel Creek is included within the urban growth boundary.**

<<**(b) AREA 8A WEST - The real property Area 8A on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT)> that is south of the south boundary of the right of way of Highway 26 and west of the real property described in paragraph**



(a) of this subsection designated rural reserve.

<<(c) HELVETIA - AREA 8B - STANDRING - The real property in Area 8B on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> that is more particularly described as tax lots 100, 900, 901, 1100, 1200, 1300 and 1400 in township 1 north, range 2 west, sections 15 and 16, Willamette Meridian, is not designated as a reserve area or included within the acknowledged urban growth boundary.

<<(d) HELVETIA - AREA 8B - The real property in Area 8B on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> that is not described in paragraph (a) of this subsection is designated as acknowledged rural reserve.

<<(e) HILLSBORO 1 FOREST GROVE - AREA 7B North of Forest Grove - The real property in Area 7B on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> that is north of the south bank of Council Creek is designated rural reserve.

<<(f) HILLSBORO 1 - FOREST GROVE AREA 7B North of Cornelius - The real property in Area 7B on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> that is south of the south bank of Council Creek is included within the urban growth boundary.

(3) For purposes of land use planning in Oregon, in relation to the following real property in Washington County that is not reserved by designation in Metro Resolution No. 11-4245, adopted on March 15, 2011, the Legislative Assembly designates:

<<(a) S NORTH PLAINS - The undesignated real property that is situated south of the City of North Plains on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> more particularly described as tax lots 100, 101, 200, 201 in section 11 of township 1 north, range 3 west, Willamette Meridian, and tax lots 1800, 2000 and 3900 in section 12 of township 1 north, range 3 west, Willamette Meridian, is designated as rural reserve.

<<(b) N of CORNELIUS in re COUNCIL CREEK - The undesignated real property that is situated north of the City of Cornelius on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> that is north of the south bank of Council Creek, east of the east right of way of Cornelius-Schefflin Road and west of the west bank of Dairy Creek is designated acknowledged rural reserve.

<<(c) N of FOREST GROVE - The undesignated real property that is north of the City of Forest Grove on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> more particularly described as east of Area 7B, west of the east right of way of Highway 47 and south of the south right of way of Northwest Purdin Road is designated acknowledged rural reserve.

<<(d) BENDEMEER - The Legislative Assembly designates as acknowledged urban reserve the following real property that is not reserved by designation and that is part of the original plat of Bendemeer, Washington County, Oregon, more particularly described as:

(A) All of lots 2 through 18, inclusive;

(B) The parts of lots 64, 65 and 66 that are situated between the east boundary of West Union Road and the west boundary of Cornelius Pass Road; and

(c) The undesignated real property that is more particularly described as: Beginning at a point of origin that is the south bank of Holcomb Creek and the east boundary of the right of way of Cornelius Pass Road; thence easterly along the south

bank of Holcomb Creek, continuing along the south bank of Holcomb Lake to its intersection with the west boundary of Area 8C; thence southerly along the west boundary of Area 8C to its intersection with the north boundary of the right of way of Highway 26; thence westerly along the right of way to its intersection with the east boundary of the right of way of Cornelius Pass Road; thence northerly to the point of origin.

<<(4) Land in Washington County that is planned and zoned for farm, forest or mixed farm and forest use and that is not designated as urban reserve may not be included within the urban growth boundary of Metro before at least 75 percent of the land in Washington County that was designated urban reserve on or before the effective date of this 2014 Act has been included within the urban growth boundary, annexed into a city and planned and zoned for urban uses.

<<(5) The real property described in subsection (2)(a) of this section:

<<(a) Is employment land of state significance does not count in determining the employment capacity of the land within Metro; and

<<(b) Must be planned and zoned for employment use.

<<(6) The designation of rural reserve and urban reserve in this section does not require a metropolitan service district or any county to modify any intergovernmental agreement entered into under ORS 195.141 on or before the effective date of this 2014 Act.

<<SECTION 4. For the purpose of land use planning in Oregon, the Legislative Assembly designates the urban growth boundary designated in Metro Ordinance No. 11-1264B, adopted October 20, 2011, as the acknowledged urban growth boundary of Metro except that:

<<(1) CORNELIUS 1 - AREA 7C - The real property in Area 7C on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> is included within the acknowledged urban growth boundary.

<<(2) CORNELIUS 2 - AREA 7D - The real property in Area 7D on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> is included within the acknowledged urban growth boundary.

<<(3) FOREST GROVE 1 - AREA 7E - The real property in Area 7E on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> is included within the acknowledged urban growth boundary.

<<(4) AREA 8A WEST - The real property in Area 8A on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT)> that is south of the south boundary of the right of way of Highway 26 and west of the real property described in section 3 (2)(a) of this 2014 Act is designated rural reserve.

<<SECTION 5. ORS 197.299 is amended to read:

<<197.299. (1) A metropolitan service district organized under ORS chapter 268 shall complete the inventory, determination and analysis required under ORS 197.296 (3) not later than ~~five~~ six years after completion of the previous inventory, determination and analysis.

<<(2)(a) The metropolitan service district shall take such action as necessary under ORS 197.296 (6)(a) to accommodate one-half of a 20-year buildable land supply determined under ORS 197.296 (3) within one year of completing the analysis.

<<(b) The metropolitan service district shall take all final action under ORS 197.296 (6)(a) necessary to accommodate a 20-year buildable land supply determined under ORS 197.296 (3) within two years of completing the analysis.

<<(c) The metropolitan service district shall take action under ORS 197.296 (6)(b), within one year after the analysis required under ORS 197.296 (3)(b) is completed, to provide sufficient buildable land within the urban growth boundary to accommodate the

estimated housing needs for 20 years from the time the actions are completed. The metropolitan service district shall consider and adopt new measures that the governing body deems appropriate under ORS 197.296 (6)(b).

<<(3) The Land Conservation and Development Commission may grant an extension to the time limits of subsection (2) of this section if the Director of the Department of Land Conservation and Development determines that the metropolitan service district has provided good cause for failing to meet the time limits.

<<(4)(a) The metropolitan service district shall establish a process to expand the urban growth boundary to accommodate a need for land for a public school that cannot reasonably be accommodated within the existing urban growth boundary. The metropolitan service district shall design the process to:

<<(A) Accommodate a need that must be accommodated between periodic analyses of urban growth boundary capacity required by subsection (1) of this section; and

<<(B) Provide for a final decision on a proposal to expand the urban growth boundary within four months after submission of a complete application by a large school district as defined in ORS 195.110.

<<(b) At the request of a large school district, the metropolitan service district shall assist the large school district to identify school sites required by the school facility planning process described in ORS 195.110. A need for a public school is a specific type of identified land need under ORS 197.298 (3).

<<**SECTION 6.** ORS 197.626 is amended to read:

<<197.626. (1) A local government shall submit for review and the Land Conservation and Development Commission shall review the following final land use decisions in the manner provided for review of a work task under ORS 197.633:

<<(a) An amendment of an urban growth boundary by a metropolitan service district that adds more than 100 acres to the area within its urban growth boundary;

<<(b) An amendment of an urban growth boundary by a city with a population of 2,500 or more within its urban growth boundary that adds more than 50 acres to the area within the urban growth boundary;

<<(c) A designation of an area as an urban reserve under ORS 195.137 to 195.145 by a metropolitan service district or by a city with a population of 2,500 or more within its urban growth boundary;

<<(d) An amendment of the boundary of an urban reserve by a metropolitan service district;

<<(e) An amendment of the boundary of an urban reserve to add more than 50 acres to the urban reserve by a city with a population of 2,500 or more within its urban growth boundary; and

<<(f) A designation or an amendment to the designation of a rural reserve under ORS 195.137 to 195.145 by a county, in coordination with a metropolitan service district, and the amendment of the designation.

<<(2) **When the commission reviews a final land use decision of a metropolitan service district under subsection (1)(a), (c), (d) or (f) of this section, the commission shall issue a final order in writing within 180 days after the commission votes whether to approve the decision.**

<<[(2)] **(4)** A final order of the commission under this section may be appealed to the Court of Appeals in the manner described in ORS 197.650 and 197.651.

<<**SECTION 7.** ORS 197.651 is amended to read:

<<197.651. (1) Judicial review ~~[of a final order of the Land Conservation and Development Commission under ORS 197.626 concerning the designation of urban reserves under ORS 195.145 (1)(b) or rural reserves under ORS 195.144]~~ **is conducted** as provided in subsections (3) to ~~[(12)]~~ **(15)** of this section~~]~~ **for a final order of the Land Conservation and Development Commission concerning a final land use decision:**

<<(a) **Made by a metropolitan service district and described in ORS 197.626 (1)(a), (c) or (d).**

<<(b) **Made by a county and described in ORS 197.626 (1)(f).**



<<(2) Judicial review [~~of any other final order of the commission under ORS 197.626 or of a final order of the commission under 197.180, 197.251, 197.628 to 197.651, 197.652 to 197.658, 197.659, 215.780 or 215.788 to 215.794~~] is **conducted** as provided in subsections (3) to (7), (9), (10) and ~~[(12)]~~ **(15)** of this section~~[,] for:~~

<<(a) **Any other final order of the commission described in ORS 197.626.**

<<(b) **A final order of the commission described in ORS 197.180, 197.251, 197.628 to 197.651, 197.652 to 197.658, 197.659, 215.780 or 215.788 to 215.794.**

<<(3) A proceeding for judicial review under this section may be instituted by filing a petition in the Court of Appeals. The petition must be filed within 21 days after the date the commission delivered or mailed the order upon which the petition is based.

<<(4) The filing of the petition, as set forth in subsection (3) of this section, and service of a petition on the persons who submitted oral or written testimony in the proceeding before the commission are jurisdictional and may not be waived or extended.

<<(5) The petition must state the nature of the order the petitioner seeks to have reviewed. Copies of the petition must be served by registered or certified mail upon the commission and the persons who submitted oral or written testimony in the proceeding before the commission.

<<(6) Within ~~[21]~~ **14** days after service of the petition, the commission shall transmit to the Court of Appeals the original or a certified copy of the entire record of the proceeding under review. However, by stipulation of the parties to the review proceeding, the record may be shortened. The Court of Appeals may tax a party that unreasonably refuses to stipulate to limit the record for the additional costs. The Court of Appeals may require or permit subsequent corrections or additions to the record. Except as specifically provided in this subsection, the Court of Appeals may not tax the cost of the record to the petitioner or an intervening party. However, the Court of Appeals may tax the costs to a party that files a frivolous petition for judicial review.

<<(7) Petitions and briefs must be filed within time periods and in a manner established by the Court of Appeals by rule.

<<(8) The Court of Appeals shall:

<<(a) Hear oral argument within ~~[49]~~ **56** days ~~[of]~~ **after** the date of transmittal of the record unless the Court of Appeals determines that the ends of justice served by holding oral argument on a later day outweigh the best interests of the public and the parties. However, the Court of Appeals may not hold oral argument more than ~~[49]~~ **56** days after the date of transmittal of the record because of general congestion of the court calendar or lack of diligent preparation or attention to the case by a member of the court or a party.

<<(b) Set forth in writing and provide to the parties a determination to hear oral argument more than ~~[49]~~ **56** days from the date the record is transmitted, together with the reasons for the determination. The Court of Appeals shall schedule oral argument as soon as is practicable.

<<(c) Consider, in making a determination under paragraph (b) of this subsection:

<<(A) Whether the case is so unusual or complex, due to the number of parties or the existence of novel questions of law, that ~~[49]~~ **56** days is an unreasonable amount of time for the parties to brief the case and for the Court of Appeals to prepare for oral argument; and

<<(B) Whether the failure to hold oral argument at a later date likely would result in a miscarriage of justice.

<<(9) The court:

<<(a) Shall limit judicial review of an order reviewed under this section to the record.

<<(b) May not substitute its judgment for that of the Land Conservation and Development Commission as to an issue of fact.

<<(10) The Court of Appeals may affirm, reverse or remand an order reviewed under this section. The Court of Appeals shall reverse or remand the order only if the court finds the order is:

<<(a) Unlawful in substance or procedure. However, error in procedure is not cause for reversal or remand unless the Court of Appeals determines that substantial rights of the petitioner were prejudiced.

<<(b) Unconstitutional.

<<(c) Not supported by substantial evidence in the whole record as to facts found by the commission.

<<(11) The Court of Appeals shall issue a final order on the petition for judicial review ~~[with the greatest possible expediency.]~~ **within 180 days after the court hears oral argument.**

<<(12) The 180-day period described in subsection (11) of this section does not include:

<<(a) A period of delay that results from a motion properly before the Court of Appeals; or

<<(b) Except as provided in subsection (13) of this section, a period of delay that results from a continuance granted by the court on the court's own motion or at the request of one of the parties if the court granted the continuance on the basis of findings that the ends of justice served by granting the continuance outweigh the best interest of the public and the parties in having a decision within 180 days.

<<(13) A period of delay resulting from a continuance granted by the Court of Appeals under subsection (12)(b) of this section is not excluded from the 180-day period unless the court sets forth in the record, orally or in writing, reasons for finding that the ends of justice served by granting the continuance outweigh the best interests of the public and the parties in having a decision within the 180-day period. The court shall consider the following factors in determining whether to grant a continuance under subsection (12)(b) of this section:

<<(a) Whether the refusal to grant a continuance in the proceeding is likely to make it impossible to continue with the proceeding or to result in a miscarriage of justice; or

<<(b) Whether the case is so unusual or complex, due to the number of parties or the existence of novel questions of fact or law, that it is not reasonable to expect adequate consideration of the issues within the 180-day period.

<<(14) The Court of Appeals may not grant a continuance under subsection (12)(b) of this section due to general congestion of the court calendar or lack of diligent preparation or attention to the case by a party or a member of the court.

<<[(12)] (15) If the order of the commission is remanded by the Court of Appeals or the Supreme Court, the commission shall respond to the court's appellate judgment within 30 days.

<<**SECTION 8. (1) The amendments to ORS 197.626 by section 6 of this 2014 Act apply to a final land use decision of a metropolitan service district that is submitted to the Land Conservation and Development Commission for review on or after the effective date of this 2014 Act.**

<<(2) The amendments to ORS 197.651 by section 7 of this 2014 Act apply to a petition for judicial review under ORS 197.651 that is filed on or after the effective date of this 2014 Act.

<<**SECTION 9. The amendments to ORS 197.299 by section 5 of this 2014 Act become operative January 1, 2015.>>.**

In line 45, delete <<4>> and insert <<10>>.

Unknown

---

**From:** Rep Clem [rep.brianclem@state.or.us]  
**Sent:** Wednesday, February 26, 2014 7:13 PM  
**To:** Claudia Black  
**Cc:** Jed TOMKINS; Karen SCHILLING; Rep Clem; Roger Alfred  
**Subject:** Re: Final amendments for review

We better talk tonight. The fis/ris is already in and it's ready to move.

My cell is 503 931-2536. Let me read his email here quickly.

BC

Representative Brian Clem. HD21  
H-284, State Capitol - Salem, OR  
(503) 986-1421 - Office

On Feb 26, 2014, at 7:08 PM, "Claudia Black" <[claudia.black@multco.us](mailto:claudia.black@multco.us)> wrote:

Hi again,

Can Jed and I please meet with you tomorrow morning before the hearing to discuss our request?  
If so, would 8:30 or 8:45 work for you?

Thank you!

Claudia

Claudia Black, Co-Director  
Office of Government Relations  
Multnomah County  
503-709-4806

On Feb 26, 2014, at 6:30 PM, Jed TOMKINS <[jed.tomkins@multco.us](mailto:jed.tomkins@multco.us)> wrote:

Rep. Clem,

The attached amendments omit the language Multnomah County has been requesting---not sure where it went as earlier drafts that I saw today all had the correct language.

I've copied the language I am talking about into this email (below).

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Thanks for your time on this.

MultCO requests the following language:

Delete lines 37 through 44 and insert:

<<(20) The regional and local land use decisions that were approved by the Land Conservation and Development Commission in Approval Order No. 12-UGB-001826, in combination with sections 3 and 4 of this 2014 Act:

<<(a) Do not alter the number of years for which the urban reserves provide a supply of land; and

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<<(A) Livability in our communities;

<<(B) Viability and vitality in our agricultural and forest industries; and

<<(C) Protection of the important natural landscape features that define the metropolitan region for its residents.

**Jed Tomkins**

Assistant County Attorney  
Office of Multnomah County Attorney  
501 SE Hawthorne Blvd., Suite 500  
Portland, OR 97214  
Ph: (503) 988-3138  
Fx: (503) 988-3377

**NOTICE:** This communication, including any attachments, may contain privileged or other confidential information. If you have received this communication in error, please advise the sender by reply email and immediately delete the communication without copying or disclosing the contents. Thank you.

----- Forwarded message -----

From: **Claudia Black** <[claudia.black@multco.us](mailto:claudia.black@multco.us)>  
Date: Wed, Feb 26, 2014 at 5:51 PM  
Subject: Fwd: Final amendments for review  
To: TOMKINS Jed <[jed.tomkins@multco.us](mailto:jed.tomkins@multco.us)>  
Cc: SCHILLING Karen <[karen.c.schilling@multco.us](mailto:karen.c.schilling@multco.us)>



Hi! These are the "final" amendments. Please take a look at them and let me know if we are still okay. Thanks!

Claudia Black, Co-Director  
Office of Government Relations  
Multnomah County  
503-709-4806

Begin forwarded message:

**From:** Randy Tucker <[Randy.Tucker@oregonmetro.gov](mailto:Randy.Tucker@oregonmetro.gov)>  
**Date:** February 26, 2014, 5:08:47 PM PST  
**To:** "[gwenn@baldwinconsulting.biz](mailto:gwenn@baldwinconsulting.biz)"  
<[gwenn@baldwinconsulting.biz](mailto:gwenn@baldwinconsulting.biz)>, Dan Eisenbeis  
<[Dan.Eisenbeis@portlandoregon.gov](mailto:Dan.Eisenbeis@portlandoregon.gov)>, Black Claudia  
<[claudia.black@multco.us](mailto:claudia.black@multco.us)>  
**Subject:** Fwd: Final amendments for review

FYI

Sent from a handheld gadget

Begin forwarded message:

**From:** Rep Clem <[rep.brianclem@state.or.us](mailto:rep.brianclem@state.or.us)>  
**Date:** February 26, 2014 5:01:27 PM PST  
**To:** Reiley Beth <[beth.reiley@state.or.us](mailto:beth.reiley@state.or.us)>,  
"cgaston@oregonian.com"  
<[cgaston@oregonian.com](mailto:cgaston@oregonian.com)>,  
"cherryamabisca@gmail.com"  
<[cherryamabisca@gmail.com](mailto:cherryamabisca@gmail.com)>, "Chris Crean  
([Chris@gov-law.com](mailto:Chris@gov-law.com))" <[chris@gov-law.com](mailto:chris@gov-law.com)>,  
"Dave Hunnicut <[dave@oia.org](mailto:dave@oia.org)> (<[dave@oia.org](mailto:dave@oia.org)>)"  
<[dave@oia.org](mailto:dave@oia.org)>, "inga.deckert@tonkon.com"  
<[inga.deckert@tonkon.com](mailto:inga.deckert@tonkon.com)>,  
"james.w.johnson@state.or.us"  
<[james.w.johnson@state.or.us](mailto:james.w.johnson@state.or.us)>,  
"james\_mccauley@co.washington.or.us"  
<[james\\_mccauley@co.washington.or.us](mailto:james_mccauley@co.washington.or.us)>,  
"jason@friends.org" <[jason@friends.org](mailto:jason@friends.org)>, "Jon  
Chandler ([jchandler@oregonhba.com](mailto:jchandler@oregonhba.com))"  
<[jchandler@oregonhba.com](mailto:jchandler@oregonhba.com)>,  
"katie@oregonfb.org" <[katie@oregonfb.org](mailto:katie@oregonfb.org)>,  
"mkm@friends.org" <[mkm@friends.org](mailto:mkm@friends.org)>,  
"psavas@co.clackamas.or.us"  
<[psavas@co.clackamas.or.us](mailto:psavas@co.clackamas.or.us)>, Randy Tucker  
<[Randy.Tucker@oregonmetro.gov](mailto:Randy.Tucker@oregonmetro.gov)>, Rep Lininger  
<[rep.annlininger@state.or.us](mailto:rep.annlininger@state.or.us)>, Rep Unger  
<[rep.benunger@state.or.us](mailto:rep.benunger@state.or.us)>, Rep Gallegos  
<[rep.joegallegos@state.or.us](mailto:rep.joegallegos@state.or.us)>, Rep Davis  
<[rep.johndavis@state.or.us](mailto:rep.johndavis@state.or.us)>, WHITMAN Richard

M \* GOV <[richard.m.whitman@state.or.us](mailto:richard.m.whitman@state.or.us)>, Roger  
Alfred <[Roger.Alfred@oregonmetro.gov](mailto:Roger.Alfred@oregonmetro.gov)>, Sen  
Roblan <[sen.arnieroblan@state.or.us](mailto:sen.arnieroblan@state.or.us)>, Sen  
Edwards C <[sen.chrisedwards@state.or.us](mailto:sen.chrisedwards@state.or.us)>,  
"[shaun.jillions@tonkon.com](mailto:shaun.jillions@tonkon.com)"  
<[shaun.jillions@tonkon.com](mailto:shaun.jillions@tonkon.com)>, Inman Tim  
<[tim.inman@state.or.us](mailto:tim.inman@state.or.us)>

**Subject: Final amendments for review**

See everyone at 9:00am tomorrow! Any glaring  
errors, please write back immediately.

Dan Balm

Legislative Assistant

Office of Rep. Brian Clem

503-986-1421

[rep.brianclem@state.or.us](mailto:rep.brianclem@state.or.us)

<HB4078\_14\_2014\_Regular\_Session.pdf>

**Unknown**

---

**From:** Rep Clem [rep.brianclem@state.or.us]  
**Sent:** Wednesday, February 26, 2014 7:14 PM  
**To:** Jed TOMKINS  
**Cc:** Claudia BLACK; Karen SCHILLING; Rep Clem; Roger Alfred  
**Subject:** Re: Final amendments for review

Thousand friends and the home builders both hated these provision - hence their deletion. Can you try and work with either Jon chandler, Shawn Jillions and/or Mary Kyle McCurdy on this?

BC

Representative Brian Clem. HD21  
H-284, State Capitol - Salem, OR  
(503) 986-1421 - Office

On Feb 26, 2014, at 6:30 PM, "Jed TOMKINS" <[jed.tomkins@multco.us](mailto:jed.tomkins@multco.us)> wrote:

Rep. Clem,

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I've copied the language I am talking about into this email (below).

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Thanks for your time on this.

MultCO requests the following language:

Delete lines 37 through 44 and insert:

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<<(C) Protection of the important natural landscape features that define the metropolitan region for its residents.

**Jed Tomkins**

Assistant County Attorney  
Office of Multnomah County Attorney  
501 SE Hawthorne Blvd., Suite 500  
Portland, OR 97214  
Ph: (503) 988-3138  
Fx: (503) 988-3377

**NOTICE:** This communication, including any attachments, may contain privileged or other confidential information. If you have received this communication in error, please advise the sender by reply email and immediately delete the communication without copying or disclosing the contents. Thank you.

----- Forwarded message -----

From: **Claudia Black** <[claudia.black@multco.us](mailto:claudia.black@multco.us)>  
Date: Wed, Feb 26, 2014 at 5:51 PM  
Subject: Fwd: Final amendments for review  
To: TOMKINS Jed <[jed.tomkins@multco.us](mailto:jed.tomkins@multco.us)>  
Cc: SCHILLING Karen <[karen.c.schilling@multco.us](mailto:karen.c.schilling@multco.us)>

Hi! These are the "final" amendments. Please take a look at them and let me know if we are still okay. Thanks!

Claudia Black, Co-Director  
Office of Government Relations  
Multnomah County  
503-709-4806

Begin forwarded message:

**From:** Randy Tucker <[Randy.Tucker@oregonmetro.gov](mailto:Randy.Tucker@oregonmetro.gov)>  
**Date:** February 26, 2014, 5:08:47 PM PST  
**To:** "gwenn@baldwinconsulting.biz" <[gwenn@baldwinconsulting.biz](mailto:gwenn@baldwinconsulting.biz)>, Dan Eisenbeis <[Dan.Eisenbeis@portlandoregon.gov](mailto:Dan.Eisenbeis@portlandoregon.gov)>, Black Claudia <[claudia.black@multco.us](mailto:claudia.black@multco.us)>  
**Subject:** Fwd: Final amendments for review



FYI

Sent from a handheld gadget

Begin forwarded message:

**From:** Rep Clem <[rep.brianclem@state.or.us](mailto:rep.brianclem@state.or.us)>  
**Date:** February 26, 2014 5:01:27 PM PST  
**To:** Reiley Beth <[beth.reiley@state.or.us](mailto:beth.reiley@state.or.us)>, "[cgaston@oregonian.com](mailto:cgaston@oregonian.com)" <[cgaston@oregonian.com](mailto:cgaston@oregonian.com)>, "[cherryamabisca@gmail.com](mailto:cherryamabisca@gmail.com)" <[cherryamabisca@gmail.com](mailto:cherryamabisca@gmail.com)>, "Chris Crean ([Chris@gov-law.com](mailto:Chris@gov-law.com))" <[chris@gov-law.com](mailto:chris@gov-law.com)>, "Dave Hunnicut <[dave@oia.org](mailto:dave@oia.org)> ([dave@oia.org](mailto:dave@oia.org))" <[dave@oia.org](mailto:dave@oia.org)>, "[inga.deckert@tonkon.com](mailto:inga.deckert@tonkon.com)" <[inga.deckert@tonkon.com](mailto:inga.deckert@tonkon.com)>, "[james.w.johnson@state.or.us](mailto:james.w.johnson@state.or.us)" <[james.w.johnson@state.or.us](mailto:james.w.johnson@state.or.us)>, "[james\\_mccauley@co.washington.or.us](mailto:james_mccauley@co.washington.or.us)" <[james\\_mccauley@co.washington.or.us](mailto:james_mccauley@co.washington.or.us)>, "[jason@friends.org](mailto:jason@friends.org)" <[jason@friends.org](mailto:jason@friends.org)>, "Jon Chandler ([jchandler@oregonhba.com](mailto:jchandler@oregonhba.com))" <[jchandler@oregonhba.com](mailto:jchandler@oregonhba.com)>, "[katie@oregonfb.org](mailto:katie@oregonfb.org)" <[katie@oregonfb.org](mailto:katie@oregonfb.org)>, "[mkm@friends.org](mailto:mkm@friends.org)" <[mkm@friends.org](mailto:mkm@friends.org)>, "[psavas@co.clackamas.or.us](mailto:psavas@co.clackamas.or.us)" <[psavas@co.clackamas.or.us](mailto:psavas@co.clackamas.or.us)>, Randy Tucker <[Randy.Tucker@oregonmetro.gov](mailto:Randy.Tucker@oregonmetro.gov)>, Rep Lininger <[rep.annlininger@state.or.us](mailto:rep.annlininger@state.or.us)>, Rep Unger <[rep.benunger@state.or.us](mailto:rep.benunger@state.or.us)>, Rep Gallegos <[rep.joegallegos@state.or.us](mailto:rep.joegallegos@state.or.us)>, Rep Davis <[rep.johndavis@state.or.us](mailto:rep.johndavis@state.or.us)>, WHITMAN Richard M \* GOV <[richard.m.whitman@state.or.us](mailto:richard.m.whitman@state.or.us)>, Roger Alfred <[Roger.Alfred@oregonmetro.gov](mailto:Roger.Alfred@oregonmetro.gov)>, Sen Roblan <[sen.arnieroblan@state.or.us](mailto:sen.arnieroblan@state.or.us)>, Sen Edwards C <[sen.chrisedwards@state.or.us](mailto:sen.chrisedwards@state.or.us)>, "[shaun.jillions@tonkon.com](mailto:shaun.jillions@tonkon.com)" <[shaun.jillions@tonkon.com](mailto:shaun.jillions@tonkon.com)>, Inman Tim <[tim.inman@state.or.us](mailto:tim.inman@state.or.us)>  
**Subject: Final amendments for review**

See everyone at 9:00am tomorrow! Any glaring errors, please write back immediately.

Dan Balm

Legislative Assistant

Office of Rep. Brian Clem

503-986-1421

[rep.brianclem@state.or.us](mailto:rep.brianclem@state.or.us)

<HB4078\_14\_2014\_Regular\_Session.pdf>

Unknown

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**From:** Claudia Black [claudia.black@multco.us]  
**Sent:** Wednesday, February 26, 2014 8:15 PM  
**To:** Rep Clem  
**Subject:** Re: Final amendments for review

Thanks! I'll check with Jed on this...

Claudia Black, Co-Director  
Office of Government Relations  
Multnomah County  
503-709-4806

On Feb 26, 2014, at 8:02 PM, "Rep Clem" <[rep.brianclem@state.or.us](mailto:rep.brianclem@state.or.us)> wrote:

Representative Brian Clem. HD21  
H-284, State Capitol - Salem, OR  
(503) 986-1421 - Office

Begin forwarded message:

**From:** dave <[dave@oia.org](mailto:dave@oia.org)>  
**Date:** February 26, 2014 at 7:48:19 PM PST  
**To:** Rep Clem <[rep.brianclem@state.or.us](mailto:rep.brianclem@state.or.us)>, Shaun Jillions  
<[shaun.jillions@tonkon.com](mailto:shaun.jillions@tonkon.com)>  
**Subject: RE: Fwd: Final amendments for review**

Mult. Co. is incorrect - the court (pgs. 93-98 of the opinion) found that Multnomah County had not provided sufficient justification for including all of Area 9D as RR. As a result property owners in that area have been given an opportunity to demonstrate that inclusion of their land was improper.

That opportunity would be stripped by the language Mult. Co. wants. Our goal was not to interfere with the court ruling as it applied to Mult and Clack Counties - if Multnomah County amendments were inserted, it would reverse the court's decision as to both Multnomah and Clackamas Counties.

Moreover, if this bill did not pass, Multnomah County would still be required to reevaluate their reserves, as Washington County reserves have been thrown out, and Washington County would by default be required to redraw their reserves, which would then trigger a new review by Multnomah County, as reserves are ultimately designated on a regionwide basis.

Multnomah County is attempting to interfere with the court's decision. We agreed not to do that.

Dave Hunnicutt

----- Original message -----

From: Rep Clem  
Date: 02/26/2014 7:21 PM (GMT-08:00)  
To: Shaun Jillions, "Dave Hunnicut"  
Subject: Fwd: Final amendments for review

Representative Brian Clem. HD21  
H-284, State Capitol - Salem, OR  
(503) 986-1421 - Office

Begin forwarded message:

**From:** Jed TOMKINS <[jed.tomkins@multco.us](mailto:jed.tomkins@multco.us)>  
**Date:** February 26, 2014 at 6:30:40 PM PST  
**To:** <[rep.brianclem@state.or.us](mailto:rep.brianclem@state.or.us)>  
**Cc:** Claudia BLACK <[claudia.black@multco.us](mailto:claudia.black@multco.us)>, Karen SCHILLING <[karen.c.schilling@multco.us](mailto:karen.c.schilling@multco.us)>, Roger Alfred <[Roger.Alfred@oregonmetro.gov](mailto:Roger.Alfred@oregonmetro.gov)>  
**Subject:** Fwd: Final amendments for review

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**Jed Tomkins**

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501 SE Hawthorne Blvd., Suite 500  
Portland, OR 97214  
Ph: (503) 988-3138  
Fx: (503) 988-3377

**NOTICE:** This communication, including any attachments, may contain privileged or other confidential information. If you have received this communication in error, please advise the sender by reply email and immediately delete the communication without copying or disclosing the contents. Thank you.

----- Forwarded message -----

From: **Claudia Black** <[claudia.black@multco.us](mailto:claudia.black@multco.us)>  
Date: Wed, Feb 26, 2014 at 5:51 PM  
Subject: Fwd: Final amendments for review  
To: TOMKINS Jed <[jed.tomkins@multco.us](mailto:jed.tomkins@multco.us)>  
Cc: SCHILLING Karen <[karen.c.schilling@multco.us](mailto:karen.c.schilling@multco.us)>

Hi! These are the "final" amendments. Please take a look at them and let me know if we are still okay. Thanks!

Claudia Black, Co-Director  
Office of Government Relations  
Multnomah County  
503-709-4806

Begin forwarded message:

**From:** Randy Tucker  
<[Randy.Tucker@oregonmetro.gov](mailto:Randy.Tucker@oregonmetro.gov)>  
**Date:** February 26, 2014, 5:08:47 PM PST  
**To:** "[gwen@baldwinconsulting.biz](mailto:gwen@baldwinconsulting.biz)"  
<[gwen@baldwinconsulting.biz](mailto:gwen@baldwinconsulting.biz)>, Dan Eisenbeis  
<[Dan.Eisenbeis@portlandoregon.gov](mailto:Dan.Eisenbeis@portlandoregon.gov)>, Black  
Claudia <[claudia.black@multco.us](mailto:claudia.black@multco.us)>  
**Subject:** Fwd: Final amendments for review

FYI

Sent from a handheld gadget

Begin forwarded message:

**From:** Rep Clem  
<[rep.brianclem@state.or.us](mailto:rep.brianclem@state.or.us)>  
**Date:** February 26, 2014 5:01:27 PM  
PST  
**To:** Reiley Beth  
<[beth.reiley@state.or.us](mailto:beth.reiley@state.or.us)>,  
"[cgaston@oregonian.com](mailto:cgaston@oregonian.com)"  
<[cgaston@oregonian.com](mailto:cgaston@oregonian.com)>,  
"[cherryamabisca@gmail.com](mailto:cherryamabisca@gmail.com)"  
<[cherryamabisca@gmail.com](mailto:cherryamabisca@gmail.com)>,  
"Chris Crean ([Chris@gov-law.com](mailto:Chris@gov-law.com))"  
<[chris@gov-law.com](mailto:chris@gov-law.com)>, "Dave  
Hunnicut <[dave@oia.org](mailto:dave@oia.org)>  
([dave@oia.org](mailto:dave@oia.org))" <[dave@oia.org](mailto:dave@oia.org)>,  
"[inga.deckert@tonkon.com](mailto:inga.deckert@tonkon.com)"  
<[inga.deckert@tonkon.com](mailto:inga.deckert@tonkon.com)>,  
"[james.w.johnson@state.or.us](mailto:james.w.johnson@state.or.us)"  
<[james.w.johnson@state.or.us](mailto:james.w.johnson@state.or.us)>,  
"[james\\_mccauley@co.washington.o  
r.us](mailto:james_mccauley@co.washington.or.us)"  
<[james\\_mccauley@co.washington.o  
r.us](mailto:james_mccauley@co.washington.o<br/>r.us)>, "[jason@friends.org](mailto:jason@friends.org)"  
<[jason@friends.org](mailto:jason@friends.org)>, "Jon Chandler  
([jchandler@oregonhba.com](mailto:jchandler@oregonhba.com))"  
<[jchandler@oregonhba.com](mailto:jchandler@oregonhba.com)>,  
"[katie@oregonfb.org](mailto:katie@oregonfb.org)"  
<[katie@oregonfb.org](mailto:katie@oregonfb.org)>,  
"[mkm@friends.org](mailto:mkm@friends.org)"  
<[mkm@friends.org](mailto:mkm@friends.org)>,  
"[psavas@co.clackamas.or.us](mailto:psavas@co.clackamas.or.us)"  
<[psavas@co.clackamas.or.us](mailto:psavas@co.clackamas.or.us)>,  
Randy Tucker  
<[Randy.Tucker@oregonmetro.gov](mailto:Randy.Tucker@oregonmetro.gov)>,  
Rep Lininger  
<[rep.annlininger@state.or.us](mailto:rep.annlininger@state.or.us)>, Rep  
Unger <[rep.benunger@state.or.us](mailto:rep.benunger@state.or.us)>,

Rep Gallegos  
<[rep.joegallegos@state.or.us](mailto:rep.joegallegos@state.or.us)>, Rep  
Davis <[rep.johndavis@state.or.us](mailto:rep.johndavis@state.or.us)>,  
WHITMAN Richard M \* GOV  
<[richard.m.whitman@state.or.us](mailto:richard.m.whitman@state.or.us)>,  
Roger Alfred  
<[Roger.Alfred@oregonmetro.gov](mailto:Roger.Alfred@oregonmetro.gov)>,  
Sen Roblan  
<[sen.arnieroblan@state.or.us](mailto:sen.arnieroblan@state.or.us)>, Sen  
Edwards C  
<[sen.chrisedwards@state.or.us](mailto:sen.chrisedwards@state.or.us)>,  
"[shaun.jillions@tonkon.com](mailto:shaun.jillions@tonkon.com)"  
<[shaun.jillions@tonkon.com](mailto:shaun.jillions@tonkon.com)>,  
Inman Tim <[tim.inman@state.or.us](mailto:tim.inman@state.or.us)>  
**Subject: Final amendments for  
review**

See everyone at 9:00am tomorrow!  
Any glaring errors, please write back  
immediately.

Dan Balm

Legislative Assistant

Office of Rep. Brian Clem

503-986-1421

[rep.brianclem@state.or.us](mailto:rep.brianclem@state.or.us)

<HB4078\_14\_2014\_Regular\_Session.pdf>

Unknown

---

**From:** Claudia Black [claudia.black@multco.us]  
**Sent:** Thursday, February 27, 2014 7:58 AM  
**To:** Clem Rep  
**Subject:** Fwd: Final amendments for review

Here's more info.

Claudia Black, Co-Director  
Office of Government Relations  
Multnomah County  
503-709-4806

Begin forwarded message:

**From:** Jed TOMKINS <[jed.tomkins@multco.us](mailto:jed.tomkins@multco.us)>  
**Date:** February 26, 2014, 10:11:55 PM PST  
**To:** Claudia Black <[claudia.black@multco.us](mailto:claudia.black@multco.us)>  
**Subject: Re: Final amendments for review**

Claudia, please distribute as you see fit.

At the bottom of this email is alternative language intended to address the concerns that Homebuilders, Realtors, and 1000 Friends had with the prior language. As for OIA, there appears to be a fundamental misunderstanding, which I will seek to clear up tomorrow.

To be perfectly clear: MultCO's language **DOES NOT** deprive any property owner of any benefit afforded by the the Court of Appeals decision.

In contrast, if this bill does not contain this language, then MultCO and ClackCO are worse off then they are with just the Court of Appeals decision

Again, the purpose of our language is to address standards that apply to the reserves on a regional basis (i.e., the combined reserves in all three counties)---these two standards are known as the "amount of land" standard and "best achieves" standard.

Both LCDC **and the Court of Appeals** found that our reserves package satisfied these regional standards, **but for the invalidity of the WASHINGTON COUNTY reserves**. Therefore, if the legislature is going to validate Washington County reserves, it should do so in a way that **re-establishes** the satisfaction of these regional standards.

If this bill does not re-establish the satisfaction of the regional standards, then that burden will fall solely and unfairly to Multnomah and Clackamas Counties.

Here is revised language intended to address stakeholder concerns:

Amend HB 4078-14 as follows:



On page 5, line 14, before "Section 4", insert a sixth subsection into Section 3 of the bill, as follows:

"(6) The urban and rural reserves outside of Washington County that were approved by the Land Conservation and Development Commission in Approval Order No. 12-UGB-001826 shall not be further reviewed for satisfaction of standards of review set forth in ORS 195.145(4), OAR 660-027-0040(2), and OAR 660-027-0005(2)."

**Jed Tomkins**

Assistant County Attorney  
Office of Multnomah County Attorney  
501 SE Hawthorne Blvd., Suite 500  
Portland, OR 97214  
Ph: (503) 988-3138  
Fx: (503) 988-3377

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On Wed, Feb 26, 2014 at 9:15 PM, Jed TOMKINS <[jed.tomkins@multco.us](mailto:jed.tomkins@multco.us)> wrote:  
Gross mischaracterization of the effect of our language.

**Jed Tomkins**

Assistant County Attorney  
Office of Multnomah County Attorney  
501 SE Hawthorne Blvd., Suite 500  
Portland, OR 97214  
Ph: (503) 988-3138  
Fx: (503) 988-3377

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On Wed, Feb 26, 2014 at 9:10 PM, Jed TOMKINS <[jed.tomkins@multco.us](mailto:jed.tomkins@multco.us)> wrote:  
Mr. Hunnicut does not understand the court's order correctly, nor the purpose served by our language.

**Jed Tomkins**

Assistant County Attorney  
Office of Multnomah County Attorney  
501 SE Hawthorne Blvd., Suite 500  
Portland, OR 97214  
Ph: (503) 988-3138  
Fx: (503) 988-3377

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On Wed, Feb 26, 2014 at 8:11 PM, Claudia Black <[claudia.black@multco.us](mailto:claudia.black@multco.us)> wrote:  
Please read this.

Claudia Black, Co-Director  
Office of Government Relations  
Multnomah County  
503-709-4806

Begin forwarded message:

**From:** "Rep Clem" <[rep.brianclem@state.or.us](mailto:rep.brianclem@state.or.us)>  
**Date:** February 26, 2014, 8:02:24 PM PST  
**To:** Claudia Black <[claudia.black@multco.us](mailto:claudia.black@multco.us)>  
**Subject:** Fwd: Final amendments for review

Representative Brian Clem. HD21  
H-284, State Capitol - Salem, OR  
(503) 986-1421 - Office

Begin forwarded message:

**From:** dave <[dave@oia.org](mailto:dave@oia.org)>  
**Date:** February 26, 2014 at 7:48:19 PM PST  
**To:** Rep Clem <[rep.brianclem@state.or.us](mailto:rep.brianclem@state.or.us)>, Shaun Jillions  
<[shaun.jillions@tonkon.com](mailto:shaun.jillions@tonkon.com)>  
**Subject:** RE: Fwd: Final amendments for review

Mult. Co. is incorrect - the court (pgs. 93-98 of the opinion) found that Multnomah County had not provided sufficient justification for including all of Area 9D as RR. As a result property owners in that area have been given an opportunity to demonstrate that

inclusion of their land was improper. That opportunity would be stripped by the language Mult. Co. wants. Our goal was not to interfere with the court ruling as it applied to Mult and Clack Counties - if Multnomah County amendments were inserted, it would reverse the court's decision as to both Multnomah and Clackamas Counties.

Moreover, if this bill did not pass, Multnomah County would still be required to reevaluate their reserves, as Washington County reserves have been thrown out, and Washington County would by default be required to redraw their reserves, which would then trigger a new review by Multnomah County, as reserves are ultimately designated on a regionwide basis.

Multnomah County is attempting to interfere with the court's decision. We agreed not to do that.

Dave Hunnicutt

----- Original message -----

From: Rep Clem  
Date: 02/26/2014 7:21 PM (GMT-08:00)  
To: Shaun Jillions, "Dave Hunnicutt"  
Subject: Fwd: Final amendments for review

Representative Brian Clem. HD21  
H-284, State Capitol - Salem, OR  
(503) 986-1421 - Office

Begin forwarded message:

**From:** Jed TOMKINS <[jed.tomkins@multco.us](mailto:jed.tomkins@multco.us)>  
**Date:** February 26, 2014 at 6:30:40 PM PST  
**To:** <[rep.brianclem@state.or.us](mailto:rep.brianclem@state.or.us)>  
**Cc:** Claudia BLACK <[claudia.black@multco.us](mailto:claudia.black@multco.us)>, Karen SCHILLING <[karen.c.schilling@multco.us](mailto:karen.c.schilling@multco.us)>, Roger Alfred <[Roger.Alfred@oregonmetro.gov](mailto:Roger.Alfred@oregonmetro.gov)>

**Subject: Fwd: Final amendments for review**

Rep. Clem,

The attached amendments omit the language Multnomah County has been requesting---not sure where it went as earlier drafts that I saw today all had the correct language.

I've copied the language I am talking about into this email (below).

This language is very important because, without this language, the lines you are setting in stone for Washington County could force MultCO and ClackCO to redraw their reserve lines, which is worse than where the court of appeals left us (i.e., the court of appeals has not asked MultCO to redraw any reserve lines).

Thanks for your time on this.

MultCO requests the following language:

Delete lines 37 through 44 and insert:

<<(20) The regional and local land use decisions that were approved by the Land Conservation and Development Commission in Approval Order No. 12-UGB-001826, in combination with sections 3 and 4 of this 2014 Act:

<<(a) Do not alter the number of years for which the urban reserves provide a supply of land; and

<<(b) Achieve a balance in the expansion of the area within the urban growth boundary and in the designation of urban reserves and rural reserves that best achieves:

<<(A) Livability in our communities;

<<(B) Viability and vitality in our agricultural and forest industries; and

<<(C) Protection of the important natural landscape features that define the metropolitan region for its residents.

**Jed Tomkins**

Assistant County Attorney  
Office of Multnomah County Attorney  
501 SE Hawthorne Blvd., Suite 500  
Portland, OR 97214  
Ph: (503) 988-3138  
Fx: (503) 988-3377



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----- Forwarded message -----

From: **Claudia Black** <[claudia.black@multco.us](mailto:claudia.black@multco.us)>  
Date: Wed, Feb 26, 2014 at 5:51 PM  
Subject: Fwd: Final amendments for review  
To: TOMKINS Jed <[jed.tomkins@multco.us](mailto:jed.tomkins@multco.us)>  
Cc: SCHILLING Karen  
<[karen.c.schilling@multco.us](mailto:karen.c.schilling@multco.us)>

Hi! These are the "final" amendments. Please take a look at them and let me know if we are still okay.  
Thanks!

Claudia Black, Co-Director  
Office of Government Relations  
Multnomah County  
503-709-4806

Begin forwarded message:

**From:** Randy Tucker  
<[Randy.Tucker@oregonmetro.gov](mailto:Randy.Tucker@oregonmetro.gov)>  
**Date:** February 26, 2014, 5:08:47 PM PST  
**To:**  
"gwenn@baldwinconsulting.biz"  
<[gwenn@baldwinconsulting.biz](mailto:gwenn@baldwinconsulting.biz)>,  
Dan Eisenbeis  
<[Dan.Eisenbeis@portlandoregon.gov](mailto:Dan.Eisenbeis@portlandoregon.gov)>,  
Black Claudia  
<[claudia.black@multco.us](mailto:claudia.black@multco.us)>  
**Subject: Fwd: Final amendments for review**

FYI

Sent from a handheld gadget

Begin forwarded message:

**From:** Rep Clem  
<[rep.brianclem@state.or.us](mailto:rep.brianclem@state.or.us)>  
**Date:** February 26,  
2014 5:01:27 PM PST  
**To:** Reiley Beth  
<[beth.reiley@state.or.us](mailto:beth.reiley@state.or.us)>,  
"cgaston@oregonian.com"  
<[cgaston@oregonian.com](mailto:cgaston@oregonian.com)>,  
"cherryamabisca@gmail.com"  
<[cherryamabisca@gmail.com](mailto:cherryamabisca@gmail.com)>, "Chris  
Crean ([Chris@gov-law.com](mailto:Chris@gov-law.com))"  
<[chris@gov-law.com](mailto:chris@gov-law.com)>, "Dave  
Hunnicut  
<[dave@oia.org](mailto:dave@oia.org)>  
([dave@oia.org](mailto:dave@oia.org))"  
<[dave@oia.org](mailto:dave@oia.org)>,  
"inga.deckert@tonkon.com"  
<[inga.deckert@tonkon.com](mailto:inga.deckert@tonkon.com)>,  
"james.w.johnson@state.or.us"  
<[james.w.johnson@state.or.us](mailto:james.w.johnson@state.or.us)>,  
"james\_mccauley@co.washington.or.us"  
<[james\\_mccauley@co.washington.or.us](mailto:james_mccauley@co.washington.or.us)>,  
"jason@friends.org"  
<[jason@friends.org](mailto:jason@friends.org)>,  
"Jon Chandler  
([jchandler@oregonhba.com](mailto:jchandler@oregonhba.com))"  
<[jchandler@oregonhba.com](mailto:jchandler@oregonhba.com)>,  
"katie@oregonfb.org"  
<[katie@oregonfb.org](mailto:katie@oregonfb.org)>,  
"mkm@friends.org"  
<[mkm@friends.org](mailto:mkm@friends.org)>,  
"psavas@co.clackamas.or.us"  
<[psavas@co.clackamas.or.us](mailto:psavas@co.clackamas.or.us)>

[as.or.us](mailto:as.or.us)>, Randy  
Tucker  
<[Randy.Tucker@oregonmetro.gov](mailto:Randy.Tucker@oregonmetro.gov)>, Rep  
Liningier  
<[rep.annlininger@state.or.us](mailto:rep.annlininger@state.or.us)>, Rep Unger  
<[rep.benunger@state.or.us](mailto:rep.benunger@state.or.us)>, Rep Gallegos  
<[rep.joegallegos@state.or.us](mailto:rep.joegallegos@state.or.us)>, Rep Davis  
<[rep.johndavis@state.or.us](mailto:rep.johndavis@state.or.us)>, WHITMAN  
Richard M \* GOV  
<[richard.m.whitman@state.or.us](mailto:richard.m.whitman@state.or.us)>, Roger  
Alfred  
<[Roger.Alfred@oregonmetro.gov](mailto:Roger.Alfred@oregonmetro.gov)>, Sen  
Roblan  
<[sen.arnieroblan@state.or.us](mailto:sen.arnieroblan@state.or.us)>, Sen  
Edwards C  
<[sen.chrisedwards@state.or.us](mailto:sen.chrisedwards@state.or.us)>,  
"shaun.jillions@tonk  
on.com"  
<[shaun.jillions@tonk.on.com](mailto:shaun.jillions@tonk.on.com)>, Inman Tim  
<[tim.inman@state.or.us](mailto:tim.inman@state.or.us)>

**Subject: Final  
amendments for  
review**

See everyone at  
9:00am tomorrow!  
Any glaring errors,  
please write back  
immediately.

Dan Balm

Legislative Assistant

Office of Rep. Brian  
Clem

503-986-1421

[rep.brianclem@state.or.  
us](mailto:rep.brianclem@state.or.us)

<HB4078\_14\_2014\_Regular\_Session.pdf>



HB 4078-14  
(LC 141)  
2/26/14 (BHC/ps)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4078**

1 On page 1 of the printed corrected bill, line 2, after the semicolon insert  
2 “creating new provisions; amending ORS 195.085, 197.299 and 197.626;”.

3 In line 10, after “approved” insert “legislative” and delete “2002” and in-  
4 sert “2005”.

5 On page 2, delete lines 28 and 29 and insert:

6 “(17) On June 14, 2012, the commission unanimously approved the expan-  
7 sion of the urban growth boundary by Ordinance No. 11-1264B in Approval  
8 Order 12-UGB-001826.”.

9 Delete lines 37 through 44 and insert:

10 **“SECTION 2. (1) Section 3 of this 2014 Act is added to and made a**  
11 **part of ORS 195.137 to 195.145.**

12 **“(2) Section 4 of this 2014 Act is added to and made a part of ORS**  
13 **197.295 to 197.314.**

14 **“SECTION 3. (1) For purposes of land use planning in Oregon, the**  
15 **Legislative Assembly designates the land in Washington County that**  
16 **was designated as rural reserve in Metro Resolution No. 11-4245,**  
17 **adopted on March 15, 2011, as the acknowledged rural reserve in**  
18 **Washington County, except that:**

19 **“(a) The real property in Area 5C on Metro’s map denominated as**  
20 **the ‘Urban and Rural Reserves in Washington County, Attachment A**  
21 **to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ that is**  
22 **more particularly described as tax lots 1500 and 1501, section 1 of**

1 township 2 south, range 2 west, Willamette Meridian, is not designated  
2 as a reserve area.

3 “(b) The Legislative Assembly designates as acknowledged urban  
4 reserve the real property that is part of the original plat of Bendemeer,  
5 Washington County, Oregon, more particularly described as:

6 “(A) All of lots 1 through 18, inclusive;

7 “(B) The parts of lots 64, 65 and 66 that are situated between the  
8 east boundary of the right of way of West Union Road and the west  
9 boundary of the right of way of Cornelius Pass Road; and

10 “(C) The real property that is more particularly described as: Be-  
11 ginning at a point of origin that is the south bank of Holcomb Creek  
12 and the east boundary of the right of way of Cornelius Pass Road;  
13 thence easterly along the south bank of Holcomb Creek, continuing  
14 along the south bank of Holcomb Lake to its intersection with the  
15 west boundary of Area 8C; thence southerly along the west boundary  
16 of Area 8C to its intersection with the north boundary of the right of  
17 way of West Union Road; thence westerly along the right of way to its  
18 intersection with the east boundary of the right of way of Cornelius  
19 Pass Road; thence northerly along the right of way to the point of  
20 origin.

21 “(2) For purposes of land use planning in Oregon, the Legislative  
22 Assembly designates the land in Washington County that was desig-  
23 nated as urban reserve in Metro Resolution No. 11-4245, adopted on  
24 March 15, 2011, as the acknowledged urban reserve in Washington  
25 County, except that:

26 “(a) The real property in Area 8A on Metro’s map denominated as  
27 the ‘Urban and Rural Reserves in Washington County, Attachment A  
28 to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ east of  
29 the east boundary of the right of way of Jackson School Road and east  
30 of the east bank of Storey Creek and the east bank of Waibel Creek

1 is included within the acknowledged urban growth boundary.

2 “(b) The real property in Area 8A on Metro’s map denominated as  
3 the ‘Urban and Rural Reserves in Washington County, Attachment A  
4 to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ that is  
5 south of the south boundary of the right of way of Highway 26 and  
6 west of the real property described in paragraph (a) of this subsection  
7 is designated as acknowledged rural reserve.

8 “(c) The real property in Area 8B on Metro’s map denominated as  
9 the ‘Urban and Rural Reserves in Washington County, Attachment A  
10 to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ that is  
11 more particularly described as tax lots 100, 900, 901, 1100, 1200, 1300 and  
12 1400 in section 15 of township 1 north, range 2 west, Willamette  
13 Meridian, is not designated as a reserve area.

14 “(d) The real property in Area 8B on Metro’s map denominated as  
15 the ‘Urban and Rural Reserves in Washington County, Attachment A  
16 to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ that is  
17 not described in paragraph (c) of this subsection is designated as ac-  
18 knowledged rural reserve.

19 “(e) The real property in Area 7B on Metro’s map denominated as  
20 the ‘Urban and Rural Reserves in Washington County, Attachment A  
21 to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ that is  
22 north of the south bank of Council Creek is designated as acknowl-  
23 edged rural reserve.

24 “(f) The real property in Area 7B on Metro’s map denominated as  
25 the ‘Urban and Rural Reserves in Washington County, Attachment A  
26 to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ that is  
27 south of the south bank of Council Creek is included within the ac-  
28 knowledged urban growth boundary.

29 “(3) For purposes of land use planning in Oregon, in relation to the  
30 following real property in Washington County that is not reserved by

1 designation in Metro Resolution No. 11-4245, adopted on March 15, 2011,  
2 the Legislative Assembly designates:

3 “(a) As acknowledged rural reserve the real property that is situ-  
4 ated south of the City of North Plains on Metro’s map denominated  
5 as the ‘Urban and Rural Reserves in Washington County, Attachment  
6 A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ more  
7 particularly described as tax lots 100, 101, 200 and 201 in section 11 of  
8 township 1 north, range 3 west, Willamette Meridian, and tax lots 1800  
9 and 2000 and that portion of tax lot 3900 that is north of the south line  
10 of the Dobbins Donation Land Claim No. 47 in section 12 of township  
11 1 north, range 3 west, Willamette Meridian.

12 “(b) As acknowledged rural reserve the real property that is situ-  
13 ated north of the City of Cornelius on Metro’s map denominated as the  
14 ‘Urban and Rural Reserves in Washington County, Attachment A to  
15 Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ and that is  
16 north of the south bank of Council Creek, east of the east right of way  
17 of Cornelius-Schefflin Road and west of the west bank of Dairy Creek.

18 “(c) As acknowledged rural reserve the real property that is north  
19 of the City of Forest Grove on Metro’s map denominated as the ‘Urban  
20 and Rural Reserves in Washington County, Attachment A to Staff  
21 Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ more particularly  
22 described as east of Area 7B, west of the east right of way of Highway  
23 47 and south of the south right of way of Northwest Purdin Road.

24 “(d) As acknowledged rural reserve the real property that is situ-  
25 ated west of Area 8B on Metro’s map denominated as the ‘Urban and  
26 Rural Reserves in Washington County, Attachment A to Staff Report  
27 for Resolution No. 11-4245 (03/17/11 DRAFT).’

28 “(4) Land in a county in Metro that is planned and zoned for farm,  
29 forest or mixed farm and forest use and that is not designated as ur-  
30 ban reserve may not be included within the urban growth boundary

1 of Metro before at least 75 percent of the land in the county that was  
2 designated urban reserve in this section has been included within the  
3 urban growth boundary and planned and zoned for urban uses.

4 “(5)(a) The real property described in subsection (2)(a) of this sec-  
5 tion:

6 “(A) Is employment land of state significance and does not count  
7 in determining the employment capacity of the land within Metro; and

8 “(B) Must be planned and zoned for employment use.

9 “(b) In its legislative reviews of the urban growth boundary on or  
10 after the effective date of this 2014 Act, Metro shall not count the  
11 employment capacity of the real property described in subsection (2)(a)  
12 of this section in determining the employment capacity of the land  
13 within Metro.

14 “SECTION 4. For the purpose of land use planning in Oregon, the  
15 Legislative Assembly designates the urban growth boundary desig-  
16 nated in Metro Ordinance No. 11-1264B, adopted October 20, 2011, as  
17 the acknowledged urban growth boundary of Metro, subject to the  
18 conditions of approval in the ordinance, except that:

19 “(1) The real property in Area 7C on Metro’s map denominated as  
20 the ‘Urban and Rural Reserves in Washington County, Attachment A  
21 to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ is in-  
22 cluded within the acknowledged urban growth boundary.

23 “(2) The real property in Area 7D on Metro’s map denominated as  
24 the ‘Urban and Rural Reserves in Washington County, Attachment A  
25 to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ is in-  
26 cluded within the acknowledged urban growth boundary.

27 “(3) The real property in Area 7E on Metro’s map denominated as  
28 the ‘Urban and Rural Reserves in Washington County, Attachment A  
29 to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),’ is in-  
30 cluded within the acknowledged urban growth boundary.

1       **SECTION 5.** ORS 197.299 is amended to read:

2       “197.299. (1) A metropolitan service district organized under ORS chapter  
3       268 shall complete the inventory, determination and analysis required under  
4       ORS 197.296 (3) not later than [*five*] **six** years after completion of the previ-  
5       ous inventory, determination and analysis.

6       “(2)(a) The metropolitan service district shall take such action as neces-  
7       sary under ORS 197.296 (6)(a) to accommodate one-half of a 20-year buildable  
8       land supply determined under ORS 197.296 (3) within one year of completing  
9       the analysis.

10      “(b) The metropolitan service district shall take all final action under  
11      ORS 197.296 (6)(a) necessary to accommodate a 20-year buildable land supply  
12      determined under ORS 197.296 (3) within two years of completing the analy-  
13      sis.

14      “(c) The metropolitan service district shall take action under ORS 197.296  
15      (6)(b), within one year after the analysis required under ORS 197.296 (3)(b)  
16      is completed, to provide sufficient buildable land within the urban growth  
17      boundary to accommodate the estimated housing needs for 20 years from the  
18      time the actions are completed. The metropolitan service district shall con-  
19      sider and adopt new measures that the governing body deems appropriate  
20      under ORS 197.296 (6)(b).

21      “(3) The Land Conservation and Development Commission may grant an  
22      extension to the time limits of subsection (2) of this section if the Director  
23      of the Department of Land Conservation and Development determines that  
24      the metropolitan service district has provided good cause for failing to meet  
25      the time limits.

26      “(4)(a) The metropolitan service district shall establish a process to ex-  
27      pand the urban growth boundary to accommodate a need for land for a public  
28      school that cannot reasonably be accommodated within the existing urban  
29      growth boundary. The metropolitan service district shall design the process  
30      to:



1       “(A) Accommodate a need that must be accommodated between periodic  
2 analyses of urban growth boundary capacity required by subsection (1) of  
3 this section; and

4       “(B) Provide for a final decision on a proposal to expand the urban  
5 growth boundary within four months after submission of a complete appli-  
6 cation by a large school district as defined in ORS 195.110.

7       “(b) At the request of a large school district, the metropolitan service  
8 district shall assist the large school district to identify school sites required  
9 by the school facility planning process described in ORS 195.110. A need for  
10 a public school is a specific type of identified land need under ORS 197.298  
11 (3).

12       **“SECTION 6.** ORS 197.626 is amended to read:

13       “197.626. (1) A local government shall submit for review and the Land  
14 Conservation and Development Commission shall review the following final  
15 land use decisions in the manner provided for review of a work task under  
16 ORS 197.633:

17       “(a) An amendment of an urban growth boundary by a metropolitan ser-  
18 vice district that adds more than 100 acres to the area within its urban  
19 growth boundary;

20       “(b) An amendment of an urban growth boundary by a city with a popu-  
21 lation of 2,500 or more within its urban growth boundary that adds more  
22 than 50 acres to the area within the urban growth boundary;

23       “(c) A designation of an area as an urban reserve under ORS 195.137 to  
24 195.145 by a metropolitan service district or by a city with a population of  
25 2,500 or more within its urban growth boundary;

26       “(d) An amendment of the boundary of an urban reserve by a metropolitan  
27 service district;

28       “(e) An amendment of the boundary of an urban reserve to add more than  
29 50 acres to the urban reserve by a city with a population of 2,500 or more  
30 within its urban growth boundary; and

1       “(f) A designation or an amendment to the designation of a rural reserve  
2       under ORS 195.137 to 195.145 by a county, in coordination with a metropol-  
3       itan service district, and the amendment of the designation.

4       **“(2) When the commission reviews a final land use decision of a  
5       metropolitan service district under subsection (1)(a), (c), (d) or (f) of  
6       this section, the commission shall issue a final order in writing within  
7       180 days after the commission votes whether to approve the decision.**

8       “[(2)] (3) A final order of the commission under this section may be ap-  
9       pealed to the Court of Appeals in the manner described in ORS 197.650 and  
10      197.651.

11      **“SECTION 7.** ORS 195.085 is amended to read:

12      “195.085. (1) *[No later than the first periodic review that begins after No-*  
13      *vember 4, 1993,]* Local governments and special districts shall demonstrate  
14      compliance with ORS 195.020 and 195.065.

15      “(2) The Land Conservation and Development Commission may adjust the  
16      deadline for compliance under this section when cities and counties that are  
17      parties to an agreement under ORS 195.020 and 195.065 are scheduled for  
18      periodic review at different times.

19      “(3) Local governments and special districts that are parties to an agree-  
20      ment in effect on November 4, 1993, which provides for the future provision  
21      of an urban service shall demonstrate compliance with ORS 195.065 no later  
22      than the date such agreement expires or the second periodic review that be-  
23      gins after November 4, 1993, whichever comes first.

24      **“(4) An urban service agreement in effect on the effective date of  
25      this 2014 Act does not apply to real property described as Area 2 on  
26      Metro’s map denominated ‘2011 UGB Expansion Areas, Ordinance  
27      11-1264B, Exhibit A, October, 2011.’**

28      **“SECTION 8. (1) For the purpose of ORS 195.065, the City of  
29      Hillsboro and Tualatin Valley Fire and Rescue shall enter into an  
30      agreement for the unincorporated communities of Reedville, Aloha,**



1 **Rock Creek and North Bethany in Washington County.**

2 **“(2) The agreement must generally follow a boundary between the**  
3 **City of Hillsboro and Tualatin Valley Fire and Rescue along the**  
4 **north-south axis of Southwest 209th Avenue in Washington County,**  
5 **between Southwest Farmington Road and the intersection of North-**  
6 **west Cornelius Pass Road and Northwest Old Cornelius Pass Road,**  
7 **excluding areas that are within the City of Hillsboro on the effective**  
8 **date of this 2014 Act.**

9 **“(3) The City of Hillsboro and Tualatin Valley Fire and Rescue shall**  
10 **report to the Legislative Assembly in the manner described in ORS**  
11 **192.245 on or before January 1, 2015, on the agreement required by this**  
12 **section.**

13 **“SECTION 9. The amendments to ORS 197.626 by section 6 of this**  
14 **2014 Act apply to a final land use decision of a metropolitan service**  
15 **district that is submitted to the Land Conservation and Development**  
16 **Commission for review on or after the effective date of this 2014 Act.**

17 **“SECTION 10. Section 8 of this 2014 Act is repealed December 31,**  
18 **2015.**

19 **“SECTION 11. The amendments to ORS 197.299 by section 5 of this**  
20 **2014 Act become operative January 1, 2015.”.**

21 In line 45, delete “4” and insert “12”.  
22 \_\_\_\_\_

**Unknown**

---

**From:** Roger Alfred [Roger.Alfred@oregonmetro.gov]  
**Sent:** Thursday, February 27, 2014 8:08 AM  
**To:** Jed TOMKINS  
**Subject:** Re: Final amendments for review

Call my cell if you can. 503-481-7138.

Sent from my iPhone

On Feb 27, 2014, at 7:54 AM, "Jed TOMKINS" <[jed.tomkins@multco.us](mailto:jed.tomkins@multco.us)> wrote:

Correct. I'm in Salem we can discuss when you get here.

On Thursday, February 27, 2014, Roger Alfred <[Roger.Alfred@oregonmetro.gov](mailto:Roger.Alfred@oregonmetro.gov)> wrote:

> Jed is this the legislative finding regarding "best achieves" that Richard and I put in the original version or something else? I don't have original amendments with me.

>

> Sent from my iPhone

> On Feb 26, 2014, at 7:14 PM, "Rep Clem" <[rep.brianclem@state.or.us](mailto:rep.brianclem@state.or.us)> wrote:

>

> Thousand friends and the home builders both hated these provision - hence their deletion. Can you try and work with either Jon chandler, Shawn Jillions and/or Mary Kyle McCurdy on this?

> BC

>

> Representative Brian Clem. HD21

> H-284, State Capitol - Salem, OR

> (503) 986-1421 - Office

>

> On Feb 26, 2014, at 6:30 PM, "Jed TOMKINS" <[jed.tomkins@multco.us](mailto:jed.tomkins@multco.us)> wrote:

>

> Rep. Clem,

> The attached amendments omit the language Multnomah County has been requesting---not sure where it went as earlier drafts that I saw today all had the correct language.

> I've copied the language I am talking about into this email (below).

> This language is very important because, without this language, the lines you are setting in stone for Washington County could force MultCO and ClackCO to redraw their reserve lines, which is worse than where the court of appeals left us (i.e., the court of appeals has not asked MultCO to redraw any reserve lines).

> Thanks for your time on this.

> MultCO requests the following language:

>

> Delete lines 37 through 44 and insert:

>

> <<(20) The regional and local land use decisions that were approved by the Land Conservation and Development Commission in Approval Order No. 12-UGB-001826, in combination with sections 3 and 4 of this 2014 Act:

>

> <<(a) Do not alter the number of years for which the urban reserves provide a supply  
of land; and  
>  
> <<(b) Achieve a balance in the expansion of the area within the urban growth  
boundary and in the designation of urban reserves and rural reserves that best achieves:  
>  
> <<(A) Livability in our communities;  
>  
> <<(B) Viability and vitality in our agricultural and forest industries; and  
>  
> <<(C) Protection of the important natural landscape features that define the  
metropolitan region for its residents.  
>  
>  
>  
>  
>  
>  
> Jed Tomkins  
>  
> Assistant County Attorney  
>  
> Office of Multnomah County Attorney  
>  
> 501 SE Hawthorne Blvd., Suite 500  
>  
> Portland, OR 97214  
>  
> Ph: (503) 988-3138  
>  
> Fx: (503) 988-3377  
>  
>  
>  
> NOTICE: This communication, including any attachments, may contain privileged or other  
confidential information. If you

--

**Jed Tomkins**

Assistant County Attorney  
Office of Multnomah County Attorney  
501 SE Hawthorne Blvd., Suite 500  
Portland, OR 97214  
Ph: (503) 988-3138  
Fx: (503) 988-3377

**NOTICE:** This communication, including any attachments, may contain privileged or other confidential information. If you have received this communication in error, please advise the sender by reply email and immediately delete the communication without copying or disclosing the contents. Thank you.



Unknown

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**From:** Claudia Black [claudia.black@multco.us]  
**Sent:** Tuesday, February 25, 2014 9:37 PM  
**To:** TOMKINS Jed; SCHILLING Karen  
**Subject:** Fwd: For your review...  
**Attachments:** 20140225 - 3rd hb4078 12.doc; ATT01758.htm

New amendment...are we okay?

Claudia Black, Co-Director  
Office of Government Relations  
Multnomah County  
503-709-4806

Begin forwarded message:

**From:** Randy Tucker <[Randy.Tucker@oregonmetro.gov](mailto:Randy.Tucker@oregonmetro.gov)>  
**Date:** February 25, 2014, 9:22:19 PM PST  
**To:** Claudia Black <[claudia.black@multco.us](mailto:claudia.black@multco.us)>  
**Subject:** FW: For your review...

Looks like your first item (50-year supply) is taken care of here.

---

**From:** Randy Tucker  
**Sent:** Tuesday, February 25, 2014 9:10 PM  
**To:** 'Claudia Black'  
**Subject:** FW: For your review...

---

**From:** Gwenn Baldwin [<mailto:gwenn@baldwinconsulting.biz>]  
**Sent:** Tuesday, February 25, 2014 8:49 PM  
**To:** Randy Tucker; 'Mark Landauer'; 'James McCauley'  
**Subject:** FW: For your review...

FYI. gb

---

**From:** Rep Clem [<mailto:rep.briandclem@state.or.us>]  
**Sent:** Tuesday, February 25, 2014 7:09 PM  
**To:** [bruce.c.miller@state.or.us](mailto:bruce.c.miller@state.or.us); Dave Hunnicut <[dave@oia.org](mailto:dave@oia.org)>; Gwenn Baldwin;  
[inga.deckert@tonkon.com](mailto:inga.deckert@tonkon.com); Jason Miner; Jon Chandler; Katie Fast; Mary Kyle McCurdy; Shaun Jillions  
**Subject:** Fwd: For your review...

New amendment for review and comment - doesn't have a sb 122 resolution in here yet.

Please disseminate if you don't see someone who needs it on this list.

BC



Representative Brian Clem. HD21  
H-284, State Capitol - Salem, OR  
(503) 986-1421 - Office

Begin forwarded message:

**From:** Conley Harrison <[ConleyH@leg.state.or.us](mailto:ConleyH@leg.state.or.us)>  
**Date:** February 25, 2014 at 5:23:21 PM PST  
**To:** Rep Clem <[ClemB@leg.state.or.us](mailto:ClemB@leg.state.or.us)>, WHITMAN Richard M \* GOV  
<[Richard.M.WHITMAN@state.or.us](mailto:Richard.M.WHITMAN@state.or.us)>, "[jjohnson@oda.state.or.us](mailto:jjohnson@oda.state.or.us)  
([james.w.johnson@state.or.us](mailto:james.w.johnson@state.or.us))" <[james.w.johnson@state.or.us](mailto:james.w.johnson@state.or.us)>  
**Subject:** For your review...

As noted at the top of the Word doc, probably better for a short list of reviewers initially. If you like it, then spread it.

We are on to a new base – the -12. The tracked changes show the differences between the official -12 and where we seem to be going.

Richard: Your references to areas is not the terminology with which I am familiar. Please help me with those areas at the end of section 3.

Also, some of the new requirements that appear at the end of sections 3 and 4 might be misplaced (since those sections are being added to reserves and UGB series of laws, respectively). I will reconsider the placement before we finalize another draft.

B. Harrison Conley  
Senior Deputy Legislative Counsel  
Legislative Counsel Committee  
900 Court Street NE - S101  
Salem, OR 97301-4065  
503-986-1243 (Phone)  
503-373-1043 (Fax)

Let's not broadcast distribute this one just yet. We now have a new base document.

All of the changes I had by 11:00 am and some of the changes I had by 2:30 pm are in the official -12, which is the new base for this Word doc. I had tried to identify as tracked changes only the potential changes to our new base.

All road and creek boundaries will become center of the road or creek.

Starting Point:

Section 3 (1) validates the rural reserves with exceptions.

Section 3 (2) validates the urban reserves with exceptions.

Section 3 (3) designates certain undesignated lands.

Section 4 validates UGB with exceptions.

Proposed Amendments to  
House Bill 4078

2/25/14 (BHC/ps)

LC 141

On page 1 of the printed corrected bill, line 2, after the semicolon insert <<creating new provisions; amending ORS 197.299, 197.626 and 197.651;>>.

In line 10, after <<approved>> insert <<legislative>> and delete <<2002>> and insert <<2005>>.

On page 2, delete lines 28 and 29 and insert:

<<(17) On June 14, 2012, the commission unanimously approved the expansion of the urban growth boundary by Ordinance No. 11-1264B in Approval Order 12-UGB-001826.>>.

Delete lines 37 through 44 and insert:

<<(20) The regional and local land use decisions ~~related to Multnomah County and Clackamas County~~ that were approved by the Land Conservation and Development Commission in Approval Order No. 12-UGB-001826, in combination with and are validated by sections 3 and 4 of this 2014 Act;

<<(a) Do not alter the number of years for which the urban reserves provide a supply of land; and

<<(b) achieve ~~Achieve~~ a balance in the expansion of the area within the urban growth boundary and in the designation of urban reserves and rural reserves that best achieves:

<<(a) Livability in our communities;

<<(b) Viability and vitality in our agricultural and forest industries; and

<<(c) Protection of the important natural landscape features that define the metropolitan region for its residents.

<<**SECTION 2. (1) Section 3 of this 2014 Act is added to and made a part of ORS 195.137 to 195.145.**

<<(2) Section 4 of this 2014 Act is added to and made a part of ORS 197.295 to 197.314.

<<**SECTION 3. (1) For purposes of land use planning in Oregon, the Legislative Assembly designates the land in Washington County that was designated as rural reserve in Metro Resolution No. 11-4245, adopted on March 15, 2011, as the acknowledged rural reserve in Washington County, except that ~~BEAVERTON S (AKA SCHOLLS FERRY/TILE FLAT ROADS)~~ the real property in Area 5C on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> that is more**



particularly described as tax lots 1500 and 1501, section 1 of township 2 south, range 2 west, Willamette Meridian, is not designated as a reserve area or included within the acknowledged urban growth boundary.

~~<<(b) [BHC1] BENDEMEER- The Legislative Assembly designates as acknowledged urban reserve the real property that is part of the original plat of Bendemeer, Washington County, Oregon, more particularly described as:~~

~~<<(A) All of lots 1 through 18, inclusive;~~

~~<<(B) The parts of lots 64, 65 and 66 that are situated between the east boundary of West Union Road and the west boundary of Cornelius Pass Road; and~~

~~<<(C) The real property that is more particularly described as: Beginning at a point of origin that is the south bank of Holcomb Creek and the east boundary of the right of way of Cornelius Pass Road; thence easterly along the south bank of Holcomb Creek, continuing along the south bank of Holcomb Lake to its intersection with the west boundary of Area 8C; thence southerly along the west boundary of Area 8C to its intersection with the north boundary of the right of way of West Union Road [BHC2]; thence westerly along the right of way to its intersection with the east boundary of the right of way of Cornelius Pass Road; thence northerly along the right of way to the point of origin.~~

<<(2) For purposes of land use planning in Oregon, the Legislative Assembly designates the land in Washington County that was designated as urban reserve in Metro Resolution No. 11-4245, adopted on March 15, 2011, as the acknowledged urban reserve in Washington County, except that:

<<(a) ~~AREA 8A CENTRAL-~~ The real property in Area 8A on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> that is east of the east boundary of the right of way of Jackson School Road and east of the east bank of Storey Creek and the east bank of Waibel Creek is included within the acknowledged urban growth boundary.

<<(b) ~~AREA 8A WEST-~~ The real property in Area 8A on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> that is south of the south boundary of the right of way of Highway 26 and west of the real property described in paragraph (a) of this subsection is designated as acknowledged rural reserve.

<<(c) ~~HELVETIA AREA 8A - STANDRING-~~ The real property in Area 8B on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> that is more particularly described as tax lots 100, 900, 901, 1100, 1200, 1300 and 1400 in township 1 north, range 2 west, sections 15 and 16, Willamette Meridian, is not designated as a reserve area.

<<(d) ~~HELVETIA AREA 8B-~~ The real property in Area 8B on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> that is not described in paragraph (c) of this subsection is designated as acknowledged rural reserve.

<<(e) ~~HILLSBORO 1 - (AKA FOREST GROVE) - AREA 7B N OF FOREST GROVE-~~ The real property in Area 7B on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> that is north of the south bank of Council Creek is designated as acknowledged rural reserve.

<<(f) ~~HILLSBORO 1 - (AKA FOREST GROVE) - AREA 7B N OF FOREST GROVE-~~ The real property in Area 7B on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> that is south of the south bank of Council Creek is included within the acknowledged urban growth boundary.

<<(3) For purposes of land use planning in Oregon, in relation to the following



real property in Washington County that is not reserved by designation in Metro Resolution No. 11-4245, adopted on March 15, 2011, the Legislative Assembly designates:

<<(a) ~~S OF NORTH PLAINS~~— The undesignated real property that is situated south of the City of North Plains on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> more particularly described as tax lots 100, 101, 200 and 201 in section 11 of township 1 north, range 3 west, Willamette Meridian, and tax lots 1800 and 2000 and that portion of tax lot 3900 that is north of the south line of the Dobbins Donation Land Claim No. 47 in section 12 of township 1 north, range 3 west, Willamette Meridian, is designated as acknowledged rural reserve.

<<(b) ~~N OF CORNELIUS IN COUNCIL CREEK~~— The undesignated real property that is situated north of the City of Cornelius on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> and that is north of the south bank of Council Creek, east of the east right of way of Cornelius-Schefflin Road and west of the west bank of Dairy Creek is designated as acknowledged rural reserve.

<<(c) ~~N OF FOREST GROVE~~— The undesignated real property that is north of the City of Forest Grove on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> more particularly described as east of Area 7B, west of the east right of way of Highway 47 and south of the south right of way of Northwest Purdin Road is designated as acknowledged rural reserve.

<<(d) The undesignated real property that is situated west of Area 8B on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> is designated acknowledged rural reserve.

~~<<(d) [BHC3] BENDEMEER—As acknowledged urban reserve the following real property that is not reserved by designation and that is part of the original plat of Bendemeer, Washington County, Oregon, more particularly described as:~~

~~——<<(A) All of lots 2 through 18, inclusive;~~

~~——<<(B) The parts of lots 64, 65 and 66 that are situated between the east boundary of West Union Road and the west boundary of Cornelius Pass Road; and~~

~~——<<(c) The undesignated real property that begins at a point of origin that is the south bank of Holcomb Creek and the east boundary of the right of way of Cornelius Pass Road; thence easterly along the south bank of Holcomb Creek, continuing along the south bank of Holcomb Lake to its intersection with the west boundary of Area 8C; thence southerly along the west boundary of Area 8C to its intersection with the north boundary of the right of way of Highway 26; thence westerly along the right of way to its intersection with the east boundary of the right of way of Cornelius Pass Road; thence northerly to the point of origin.~~

<<(4) Land in a county in Metro that is planned and zoned for farm, forest or mixed farm and forest use and that is not designated as urban reserve may not be included within the urban growth boundary of Metro before at least 75 percent of the land in the county that was designated urban reserve on or before the effective date of this 2014 Act has been included within the urban growth boundary, annexed into a city and planned and zoned for urban uses.

<<(5) [a] The real property described in subsection (2)(a) of this section:

<<[aA] Is employment land of state significance ~~and does not count in determining the employment capacity of the land within Metro;~~ and

<<[bB] Must be planned and zoned for employment use.

<<(b) In its first legislative review of the urban growth boundary on or after the effective date of this 2014 Act, Metro shall not count the employment capacity of the real property described in subsection (2)(a) of this section in determining the employment capacity of the land within Metro



~~<<(6) The designation of rural reserve and urban reserve in this section does not require a metropolitan service district or any county to modify any intergovernmental agreement entered into under ORS 195.141 on or before the effective date of this 2014 Act.~~

~~<<(6) The following real property is not subject to an intergovernmental agreement entered into under ORS 195.141 on or before the effective date of this 2014 Act:~~

~~<<(a) The area described as Area [ ] in Metro Ordinance 2011[SOUTH HILLSBORO] It has been suggested that this reference is to AREA 6A????~~

~~<<(b) (Bindemere west) The area west of Cornelius Pass Road???: and~~

~~<<(c) (Sunset Acres) ????(BHC4)~~

<<SECTION 4. For the purpose of land use planning in Oregon, the Legislative Assembly designates the urban growth boundary designated in Metro Ordinance No. 11-1264B, adopted October 20, 2011, as the acknowledged urban growth boundary of Metro, subject to the conditions of approval in the ordinance, except that:

<<(1) ~~CORNELIUS 1--AREA 7C~~ The real property in Area 7C on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> is included within the acknowledged urban growth boundary.

<<(2) ~~CORNELIUS AREA 2--AREA 7D~~ The real property in Area 7D on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> is included within the acknowledged urban growth boundary.

<<(3) ~~FOREST GROVE AREA 7E~~ The real property in Area 7E on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> is included within the acknowledged urban growth boundary.

<<SECTION 5. ORS 197.299 is amended to read:

<<197.299. (1) A metropolitan service district organized under ORS chapter 268 shall complete the inventory, determination and analysis required under ORS 197.296 (3) not later than ~~[five]~~six years after completion of the previous inventory, determination and analysis.

<<(2)(a) The metropolitan service district shall take such action as necessary under ORS 197.296 (6)(a) to accommodate one-half of a 20-year buildable land supply determined under ORS 197.296 (3) within one year of completing the analysis.

<<(b) The metropolitan service district shall take all final action under ORS 197.296 (6)(a) necessary to accommodate a 20-year buildable land supply determined under ORS 197.296 (3) within two years of completing the analysis.

<<(c) The metropolitan service district shall take action under ORS 197.296 (6)(b), within one year after the analysis required under ORS 197.296 (3)(b) is completed, to provide sufficient buildable land within the urban growth boundary to accommodate the estimated housing needs for 20 years from the time the actions are completed. The metropolitan service district shall consider and adopt new measures that the governing body deems appropriate under ORS 197.296 (6)(b).

<<(3) The Land Conservation and Development Commission may grant an extension to the time limits of subsection (2) of this section if the Director of the Department of Land Conservation and Development determines that the metropolitan service district has provided good cause for failing to meet the time limits.

<<(4)(a) The metropolitan service district shall establish a process to expand the urban growth boundary to accommodate a need for land for a public school that cannot reasonably be accommodated within the existing urban growth boundary. The metropolitan service district shall design the process to:

<<(A) Accommodate a need that must be accommodated between periodic analyses of urban growth boundary capacity required by subsection (1) of this section; and

<<(B) Provide for a final decision on a proposal to expand the urban growth boundary within four months after submission of a complete application by a large school district as defined in ORS 195.110.

<<(b) At the request of a large school district, the metropolitan service district shall assist the large school district to identify school sites required by the school facility planning process described in ORS 195.110. A need for a public school is a specific type of identified land need under ORS 197.298 (3).

<<**SECTION 6.** ORS 197.626 is amended to read:

<<197.626. (1) A local government shall submit for review and the Land Conservation and Development Commission shall review the following final land use decisions in the manner provided for review of a work task under ORS 197.633:

<<(a) An amendment of an urban growth boundary by a metropolitan service district that adds more than 100 acres to the area within its urban growth boundary;

<<(b) An amendment of an urban growth boundary by a city with a population of 2,500 or more within its urban growth boundary that adds more than 50 acres to the area within the urban growth boundary;

<<(c) A designation of an area as an urban reserve under ORS 195.137 to 195.145 by a metropolitan service district or by a city with a population of 2,500 or more within its urban growth boundary;

<<(d) An amendment of the boundary of an urban reserve by a metropolitan service district;

<<(e) An amendment of the boundary of an urban reserve to add more than 50 acres to the urban reserve by a city with a population of 2,500 or more within its urban growth boundary; and

<<(f) A designation or an amendment to the designation of a rural reserve under ORS 195.137 to 195.145 by a county, in coordination with a metropolitan service district, and the amendment of the designation.

<<(2) **When the commission reviews a final land use decision of a metropolitan service district under subsection (1)(a), (c), (d) or (f) of this section, the commission shall issue a final order in writing within 180 days after the commission votes whether to approve the decision.**

<<[(2)] **(3)** A final order of the commission under this section may be appealed to the Court of Appeals in the manner described in ORS 197.650 and 197.651.

<<**SECTION 7.** ORS 197.651 [BHC5] is amended to read:

<<197.651. (1) Judicial review ~~[of a final order of the Land Conservation and Development Commission under ORS 197.626 concerning the designation of urban reserves under ORS 195.145 (1)(b) or rural reserves under ORS 195.141]~~ **is conducted** as provided in subsections (3) to [(12)] **(15)** of this section[.] **for a final order of the Land Conservation and Development Commission concerning a final land use decision:**

<<(a) **Made by a metropolitan service district and described in ORS 197.626 (1)(a), (c) or (d).**

<<(b) **Made by a county and described in ORS 197.626 (1)(f).**

<<(2) Judicial review ~~[of any other final order of the commission under ORS 197.626 or of a final order of the commission under 197.180, 197.251, 197.628 to 197.651, 197.652 to 197.658, 197.659, 215.780 or 215.788 to 215.794]~~ **is conducted** as provided in subsections (3) to (7), (9), (10) and [(12)] **(15)** of this section[.] **for:**

<<(a) **Any other final order of the commission described in ORS 197.626.**

<<(b) **A final order of the commission described in ORS 197.180, 197.251, 197.628 to 197.651, 197.652 to 197.658, 197.659, 215.780 or 215.788 to 215.794.**

<<(3) A proceeding for judicial review under this section may be instituted by filing a petition in the Court of Appeals. The petition must be filed within 21 days after the date the commission delivered or mailed the order upon which the petition is based.

<<(4) The filing of the petition, as set forth in subsection (3) of this section, and

service of a petition on the persons who submitted oral or written testimony in the proceeding before the commission are jurisdictional and may not be waived or extended.

<<(5) The petition must state the nature of the order the petitioner seeks to have reviewed. Copies of the petition must be served by registered or certified mail upon the commission and the persons who submitted oral or written testimony in the proceeding before the commission.

<<(6) Within [24] 14 days after service of the petition, the commission shall transmit to the Court of Appeals the original or a certified copy of the entire record of the proceeding under review. However, by stipulation of the parties to the review proceeding, the record may be shortened. The Court of Appeals may tax a party that unreasonably refuses to stipulate to limit the record for the additional costs. The Court of Appeals may require or permit subsequent corrections or additions to the record. Except as specifically provided in this subsection, the Court of Appeals may not tax the cost of the record to the petitioner or an intervening party. However, the Court of Appeals may tax the costs to a party that files a frivolous petition for judicial review.

<<(7) Petitions and briefs must be filed within time periods and in a manner established by the Court of Appeals by rule.

<<(8) The Court of Appeals shall:

<<(a) Hear oral argument within [49] 56 days ~~of~~ after the date of transmittal of the record unless the Court of Appeals determines that the ends of justice served by holding oral argument on a later day outweigh the best interests of the public and the parties. However, the Court of Appeals may not hold oral argument more than [49] 56 days after the date of transmittal of the record because of general congestion of the court calendar or lack of diligent preparation or attention to the case by a member of the court or a party.

<<(b) Set forth in writing and provide to the parties a determination to hear oral argument more than [49] 56 days from the date the record is transmitted, together with the reasons for the determination. The Court of Appeals shall schedule oral argument as soon as is practicable.

<<(c) Consider, in making a determination under paragraph (b) of this subsection:

<<(A) Whether the case is so unusual or complex, due to the number of parties or the existence of novel questions of law, that [49] 56 days is an unreasonable amount of time for the parties to brief the case and for the Court of Appeals to prepare for oral argument; and

<<(B) Whether the failure to hold oral argument at a later date likely would result in a miscarriage of justice.

<<(9) The court:

<<(a) Shall limit judicial review of an order reviewed under this section to the record.

<<(b) May not substitute its judgment for that of the Land Conservation and Development Commission as to an issue of fact.

<<(10) The Court of Appeals may affirm, reverse or remand an order reviewed under this section. The Court of Appeals shall reverse or remand the order only if the court finds the order is:

<<(a) Unlawful in substance or procedure. However, error in procedure is not cause for reversal or remand unless the Court of Appeals determines that substantial rights of the petitioner were prejudiced.

<<(b) Unconstitutional.

<<(c) Not supported by substantial evidence in the whole record as to facts found by the commission.

<<(11) The Court of Appeals shall issue a final order on the petition for judicial review ~~[with the greatest possible expediency.]~~ **within 180 days after the court hears oral argument.**

<<(12) **The 180-day period described in subsection (11) of this section does not include:**

<<(a) **A period of delay that results from a motion properly before the Court of Appeals; or**

<<(b) **Except as provided in subsection (13) of this section, a period of delay**



that results from a continuance granted by the court on the court's own motion or at the request of one of the parties if the court granted the continuance on the basis of findings that the ends of justice served by granting the continuance outweigh the best interest of the public and the parties in having a decision within 180 days.

<<(13) A period of delay resulting from a continuance granted by the Court of Appeals under subsection (12)(b) of this section is not excluded from the 180-day period unless the court sets forth in the record, orally or in writing, reasons for finding that the ends of justice served by granting the continuance outweigh the best interests of the public and the parties in having a decision within the 180-day period. The court shall consider the following factors in determining whether to grant a continuance under subsection (12)(b) of this section:

<<(a) Whether the refusal to grant a continuance in the proceeding is likely to make it impossible to continue with the proceeding or to result in a miscarriage of justice; or

<<(b) Whether the case is so unusual or complex, due to the number of parties or the existence of novel questions of fact or law, that it is not reasonable to expect adequate consideration of the issues within the 180-day period.

<<(14) The Court of Appeals may not grant a continuance under subsection (12)(b) of this section due to general congestion of the court calendar or lack of diligent preparation or attention to the case by a party or a member of the court.

<<[(12)] (15) If the order of the commission is remanded by the Court of Appeals or the Supreme Court, the commission shall respond to the court's appellate judgment within 30 days.

<<SECTION 8, (1) The amendments to ORS 197.626 by section 6 of this 2014 Act apply to a final land use decision of a metropolitan service district that is submitted to the Land Conservation and Development Commission for review on or after the effective date of this 2014 Act.

<<(2) The amendments to ORS 197.651 by section 7 of this 2014 Act apply to a petition for judicial review under ORS 197.651 that is filed on or after the effective date of this 2014 Act.

<<SECTION 9, The amendments to ORS 197.299 by section 5 of this 2014 Act become operative January 1, 2015.>>.

In line 45, delete <<4>> and insert <<10>>.

Unknown

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**From:** Claudia Black [claudia.black@multco.us]  
**Sent:** Wednesday, February 26, 2014 11:29 AM  
**To:** TOMKINS Jed  
**Cc:** SCHILLING Karen  
**Subject:** Fwd: This is a -13  
**Attachments:** 20140226 hb4078 13.doc; ATT01317.htm

New ones. Still okay?

Claudia Black, Co-Director  
Office of Government Relations  
Multnomah County  
503-709-4806

Begin forwarded message:

**From:** Randy Tucker <[Randy.Tucker@oregonmetro.gov](mailto:Randy.Tucker@oregonmetro.gov)>  
**Date:** February 26, 2014, 11:24:50 AM PST  
**To:** Claudia Black <[claudia.black@multco.us](mailto:claudia.black@multco.us)>  
**Subject:** FW: This is a -13

**From:** Shaun Jillions [<mailto:shaun.jillions@tonkon.com>]  
**Sent:** Wednesday, February 26, 2014 11:17 AM  
**To:** Randy Tucker  
**Subject:** FW: This is a -13

FYI

**Shaun Jillions** | Tonkon Torp LLP

1600 Pioneer Tower | 888 S.W. Fifth Avenue

Portland, Oregon 97204

503.802.5762 | FAX 503.972.7462

[shaun.jillions@tonkon.com](mailto:shaun.jillions@tonkon.com) | [www.tonkon.com](http://www.tonkon.com)

This message may contain confidential communications and privileged information. If you received this message in error, please delete it and notify me promptly.

**Circular 230 Disclaimer:** If any part of this communication is interpreted as providing federal tax advice, U.S. Treasury Regulations require that we inform you that we neither intended nor wrote this communication for you to use in avoiding federal tax penalties that the IRS may attempt to impose and you may not use it for that purpose.



**From:** Rep Clem <[rep.brianclem@state.or.us](mailto:rep.brianclem@state.or.us)>  
**Date:** Wednesday, February 26, 2014 at 11:11 AM  
**To:** Reiley Beth <[beth.reiley@state.or.us](mailto:beth.reiley@state.or.us)>, David Hunnicutt <[dave@oia.org](mailto:dave@oia.org)>, Inga Deckert <[inga.deckert@tonkon.com](mailto:inga.deckert@tonkon.com)>, Jason Miner <[jason@friends.org](mailto:jason@friends.org)>, Jon Chandler <[jchandler@oregonhba.com](mailto:jchandler@oregonhba.com)>, Mary Kyle McCurdy <[mkm@friends.org](mailto:mkm@friends.org)>, Rep Unger <[rep.benunger@state.or.us](mailto:rep.benunger@state.or.us)>, Rep Davis <[rep.johndavis@state.or.us](mailto:rep.johndavis@state.or.us)>, Richard Whitman <[richard.m.whitman@state.or.us](mailto:richard.m.whitman@state.or.us)>, Shaun Jillions <[shaun.jillions@tonkon.com](mailto:shaun.jillions@tonkon.com)>  
**Subject:** Fwd: This is a -13

Please forward on -

BC

Representative Brian Clem. HD21  
H-284, State Capitol - Salem, OR  
(503) 986-1421 - Office

Begin forwarded message:

**From:** Conley Harrison <[ConleyH@leg.state.or.us](mailto:ConleyH@leg.state.or.us)>  
**Date:** February 26, 2014 at 11:07:15 AM PST  
**To:** Rep Clem <[ClemB@leg.state.or.us](mailto:ClemB@leg.state.or.us)>, Reiley Beth <[ReileyB@leg.state.or.us](mailto:ReileyB@leg.state.or.us)>, WHITMAN Richard M \* GOV <[Richard.M.WHITMAN@state.or.us](mailto:Richard.M.WHITMAN@state.or.us)>, "[jjohnson@oda.state.or.us](mailto:jjohnson@oda.state.or.us)" <[james.w.johnson@state.or.us](mailto:james.w.johnson@state.or.us)> <[james.w.johnson@state.or.us](mailto:james.w.johnson@state.or.us)>  
**Subject:** This is a -13

I will go ahead and deliver it official, but I think you do not yet want to adopt this version.

B. Harrison Conley  
Senior Deputy Legislative Counsel  
Legislative Counsel Committee  
900 Court Street NE - S101  
Salem, OR 97301-4065  
503-986-1243 (Phone)  
503-373-1043 (Fax)

Proposed Amendments to  
House Bill 4078

2/26/14 (BHC/ps)

LC 141

On page 1 of the printed corrected bill, line 2, after the semicolon insert <<creating new provisions; amending ORS 197.299, 197.626 and 197.651;>>.

In line 10, after <<approved>> insert <<legislative>> and delete <<2002>> and insert <<2005>>.

On page 2, delete lines 28 and 29 and insert:

<<(17) On June 14, 2012, the commission unanimously approved the expansion of the urban growth boundary by Ordinance No. 11-1264B in Approval Order 12-UGB-001826.>>.

Delete lines 37 through 44 and insert:

<<(20) The regional and local land use decisions that were approved by the Land Conservation and Development Commission in Approval Order No. 12-UGB-001826, in combination with sections 3 and 4 of this 2014 Act:

<<(a) Do not alter the number of years for which the urban reserves provide a supply of land; and

<<(b) Achieve a balance in the expansion of the area within the urban growth boundary and in the designation of urban reserves and rural reserves that best achieves:

<<(A) Livability in our communities;

<<(B) Viability and vitality in our agricultural and forest industries; and

<<(C) Protection of the important natural landscape features that define the metropolitan region for its residents.

<<**SECTION 2.** (1) Section 3 of this 2014 Act is added to and made a part of ORS 195.137 to 195.145.

<<(2) Section 4 of this 2014 Act is added to and made a part of ORS 197.295 to 197.314.

<<**SECTION 3.** (1) For purposes of land use planning in Oregon, the Legislative Assembly designates the land in Washington County that was designated as rural reserve in Metro Resolution No. 11-4245, adopted on March 15, 2011, as the acknowledged rural reserve in Washington County, except that the real property in Area 5C on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> that is more particularly described as tax lots 1500 and 1501, section 1 of township 2 south, range 2 west, Willamette Meridian, is not designated as a reserve area or included within the acknowledged urban growth boundary.

<<(b) The Legislative Assembly designates as acknowledged urban reserve the real property that is part of the original plat of Bendemeer, Washington County, Oregon, more particularly described as:

<<(A) All of lots 1 through 18, inclusive;

<<(B) The parts of lots 64, 65 and 66 that are situated between the east boundary of West Union Road and the west boundary of Cornelius Pass Road; and

<<(C) The real property that is more particularly described as: Beginning at a point of origin that is the south bank of Holcomb Creek and the east boundary of the right of way of Cornelius Pass Road; thence easterly along the south bank of Holcomb Creek, continuing along the south bank of Holcomb Lake to its intersection with the west boundary of Area 8C; thence southerly along the west boundary of Area 8C to its intersection with the north boundary of the right of way of West Union Road ; thence westerly along the right of way to its intersection with the east boundary of the right

of way of Cornelius Pass Road; thence northerly along the right of way to the point of origin.

<<(2) For purposes of land use planning in Oregon, the Legislative Assembly designates the land in Washington County that was designated as urban reserve in Metro Resolution No. 11-4245, adopted on March 15, 2011, as the acknowledged urban reserve in Washington County, except that:

<<(a) The real property in Area 8A on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> that is east of the east boundary of the right of way of Jackson School Road and east of the east bank of Storey Creek and the east bank of Waibel Creek is included within the acknowledged urban growth boundary.

<<(b) The real property in Area 8A on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> that is south of the south boundary of the right of way of Highway 26 and west of the real property described in paragraph (a) of this subsection is designated as acknowledged rural reserve.

<<(c) The real property in Area 8B on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> that is more particularly described as tax lots 100, 900, 901, 1100, 1200, 1300 and 1400 in sections 15 and 16 of township 1 north, range 2 west, Willamette Meridian, is not designated as a reserve area.

<<(d) The real property in Area 8B on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> that is not described in paragraph (c) of this subsection is designated as acknowledged rural reserve.

<<(e) The real property in Area 7B on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> that is north of the south bank of Council Creek is designated as acknowledged rural reserve.

<<(f) The real property in Area 7B on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> that is south of the south bank of Council Creek is included within the acknowledged urban growth boundary.

<<(3) For purposes of land use planning in Oregon, in relation to the following real property in Washington County that is not reserved by designation in Metro Resolution No. 11-4245, adopted on March 15, 2011, the Legislative Assembly designates:

<<(a) The undesignated real property that is situated south of the City of North Plains on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> more particularly described as tax lots 100, 101, 200 and 201 in section 11 of township 1 north, range 3 west, Willamette Meridian, and tax lots 1800 and 2000 and that portion of tax lot 3900 that is north of the south line of the Dobbins Donation Land Claim No. 47 in section 12 of township 1 north, range 3 west, Willamette Meridian, is designated as acknowledged rural reserve.

<<(b) The undesignated real property that is situated north of the City of Cornelius on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> and that is north of the south bank of Council Creek, east of the east right of way of Cornelius-Schefflin Road and west of the west bank of Dairy Creek is designated as acknowledged rural reserve.

<<(c) The undesignated real property that is north of the City of Forest Grove on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> more particularly described as east of Area 7B, west of the east right of way of

Highway 47 and south of the south right of way of Northwest Purdin Road is designated as acknowledged rural reserve.

<<(d) As acknowledged urban reserve the following real property that is not reserved by designation and that is part of the original plat of Bendemeer, Washington County, Oregon, more particularly described as:

<<(A) All of lots 2 through 18, inclusive;

<<(B) The parts of lots 64, 65 and 66 that are situated between the east boundary of West Union Road and the west boundary of Cornelius Pass Road; and

<<(c) The undesignated real property that begins at a point of origin that is the south bank of Holcomb Creek and the east boundary of the right of way of Cornelius Pass Road; thence easterly along the south bank of Holcomb Creek, continuing along the south bank of Holcomb Lake to its intersection with the west boundary of Area 8C; thence southerly along the west boundary of Area 8C to its intersection with the north boundary of the right of way of Highway 26; thence westerly along the right of way to its intersection with the east boundary of the right of way of Cornelius Pass Road; thence northerly to the point of origin.

<<(d) The undesignated real property that is situated west of Area 8B on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> is designated acknowledged rural reserve.

<<(4) Land in a county in Metro that is planned and zoned for farm, forest or mixed farm and forest use and that is not designated as urban reserve may not be included within the urban growth boundary of Metro before at least 75 percent of the land in the county that was designated urban reserve on or before the effective date of this 2014 Act has been included within the urban growth boundary, annexed into a city and planned and zoned for urban uses.

<<(5)(a) The real property described in subsection (2)(a) of this section:

<<(A) Is employment land of state significance and does not count in determining the employment capacity of the land within Metro; and

<<(B) Must be planned and zoned for employment use.

<<(b) In its first legislative review of the urban growth boundary on or after the effective date of this 2014 Act, Metro shall not count the employment capacity of the real property described in subsection (2)(a) of this section in determining the employment capacity of the land within Metro.

<<(6) The following real property is not subject to an intergovernmental agreement entered into under ORS 195.141 on or before the effective date of this 2014 Act:

<<(a) The area described as Area [ ] in Metro Ordinance 2011[SOUTH HILLSBORO] It has been suggested that this reference is to AREA 6A????

<<(b) (Bindemere west) The area west of Cornelius Pass Road???; and

<<(c) (Sunset Acres) ????

<<SECTION 4. For the purpose of land use planning in Oregon, the Legislative Assembly designates the urban growth boundary designated in Metro Ordinance No. 11-1264B, adopted October 20, 2011, as the acknowledged urban growth boundary of Metro, subject to the conditions of approval in the ordinance, except that:

<<(1) The real property in Area 7C on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> is included within the acknowledged urban growth boundary.

<<(2) The real property in Area 7D on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> is included within the acknowledged urban growth boundary.

<<(3) The real property in Area 7E on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution



**No. 11-4245 (03/17/11 DRAFT),> is included within the acknowledged urban growth boundary.**

<<**SECTION 5.** ORS 197.299 is amended to read:

<<197.299. (1) A metropolitan service district organized under ORS chapter 268 shall complete the inventory, determination and analysis required under ORS 197.296 (3) not later than ~~[five]~~six years after completion of the previous inventory, determination and analysis.

<<(2)(a) The metropolitan service district shall take such action as necessary under ORS 197.296 (6)(a) to accommodate one-half of a 20-year buildable land supply determined under ORS 197.296 (3) within one year of completing the analysis.

<<(b) The metropolitan service district shall take all final action under ORS 197.296 (6)(a) necessary to accommodate a 20-year buildable land supply determined under ORS 197.296 (3) within two years of completing the analysis.

<<(c) The metropolitan service district shall take action under ORS 197.296 (6)(b), within one year after the analysis required under ORS 197.296 (3)(b) is completed, to provide sufficient buildable land within the urban growth boundary to accommodate the estimated housing needs for 20 years from the time the actions are completed. The metropolitan service district shall consider and adopt new measures that the governing body deems appropriate under ORS 197.296 (6)(b).

<<(3) The Land Conservation and Development Commission may grant an extension to the time limits of subsection (2) of this section if the Director of the Department of Land Conservation and Development determines that the metropolitan service district has provided good cause for failing to meet the time limits.

<<(4)(a) The metropolitan service district shall establish a process to expand the urban growth boundary to accommodate a need for land for a public school that cannot reasonably be accommodated within the existing urban growth boundary. The metropolitan service district shall design the process to:

<<(A) Accommodate a need that must be accommodated between periodic analyses of urban growth boundary capacity required by subsection (1) of this section; and

<<(B) Provide for a final decision on a proposal to expand the urban growth boundary within four months after submission of a complete application by a large school district as defined in ORS 195.110.

<<(b) At the request of a large school district, the metropolitan service district shall assist the large school district to identify school sites required by the school facility planning process described in ORS 195.110. A need for a public school is a specific type of identified land need under ORS 197.298 (3).

<<**SECTION 6.** ORS 197.626 is amended to read:

<<197.626. (1) A local government shall submit for review and the Land Conservation and Development Commission shall review the following final land use decisions in the manner provided for review of a work task under ORS 197.633:

<<(a) An amendment of an urban growth boundary by a metropolitan service district that adds more than 100 acres to the area within its urban growth boundary;

<<(b) An amendment of an urban growth boundary by a city with a population of 2,500 or more within its urban growth boundary that adds more than 50 acres to the area within the urban growth boundary;

<<(c) A designation of an area as an urban reserve under ORS 195.137 to 195.145 by a metropolitan service district or by a city with a population of 2,500 or more within its urban growth boundary;

<<(d) An amendment of the boundary of an urban reserve by a metropolitan service district;

<<(e) An amendment of the boundary of an urban reserve to add more than 50 acres to the urban reserve by a city with a population of 2,500 or more within its urban growth boundary; and

<<(f) A designation or an amendment to the designation of a rural reserve under ORS 195.137 to 195.145 by a county, in coordination with a metropolitan service district, and the

amendment of the designation.

**<<(2) When the commission reviews a final land use decision of a metropolitan service district under subsection (1)(a), (c), (d) or (f) of this section, the commission shall issue a final order in writing within 180 days after the commission votes whether to approve the decision.**

**<<[(2)] (3)** A final order of the commission under this section may be appealed to the Court of Appeals in the manner described in ORS 197.650 and 197.651.

**<<SECTION 7.** ORS 197.651 is amended to read:

**<<197.651. (1)** Judicial review ~~[of a final order of the Land Conservation and Development Commission under ORS 197.626 concerning the designation of urban reserves under ORS 195.145 (1)(b) or rural reserves under ORS 195.141]~~ **is conducted** as provided in subsections (3) to ~~[(12)]~~ **(15)** of this section~~;~~ **for a final order of the Land Conservation and Development Commission concerning a final land use decision:**

**<<(a) Made by a metropolitan service district and described in ORS 197.626 (1)(a), (c) or (d).**

**<<(b) Made by a county and described in ORS 197.626 (1)(f).**

**<<(2)** Judicial review ~~[of any other final order of the commission under ORS 197.626 or of a final order of the commission under 197.180, 197.251, 197.628 to 197.651, 197.652 to 197.658, 197.659, 215.780 or 215.788 to 215.794]~~ **is conducted** as provided in subsections (3) to (7), (9), (10) and ~~[(12)]~~ **(15)** of this section~~;~~ **for:**

**<<(a) Any other final order of the commission described in ORS 197.626.**

**<<(b) A final order of the commission described in ORS 197.180, 197.251, 197.628 to 197.651, 197.652 to 197.658, 197.659, 215.780 or 215.788 to 215.794.**

**<<(3)** A proceeding for judicial review under this section may be instituted by filing a petition in the Court of Appeals. The petition must be filed within 21 days after the date the commission delivered or mailed the order upon which the petition is based.

**<<(4)** The filing of the petition, as set forth in subsection (3) of this section, and service of a petition on the persons who submitted oral or written testimony in the proceeding before the commission are jurisdictional and may not be waived or extended.

**<<(5)** The petition must state the nature of the order the petitioner seeks to have reviewed. Copies of the petition must be served by registered or certified mail upon the commission and the persons who submitted oral or written testimony in the proceeding before the commission.

**<<(6)** Within ~~[21]~~ **14** days after service of the petition, the commission shall transmit to the Court of Appeals the original or a certified copy of the entire record of the proceeding under review. However, by stipulation of the parties to the review proceeding, the record may be shortened. The Court of Appeals may tax a party that unreasonably refuses to stipulate to limit the record for the additional costs. The Court of Appeals may require or permit subsequent corrections or additions to the record. Except as specifically provided in this subsection, the Court of Appeals may not tax the cost of the record to the petitioner or an intervening party. However, the Court of Appeals may tax the costs to a party that files a frivolous petition for judicial review.

**<<(7)** Petitions and briefs must be filed within time periods and in a manner established by the Court of Appeals by rule.

**<<(8)** The Court of Appeals shall:

**<<(a)** Hear oral argument within ~~[49]~~ **56** days ~~[of]~~ **after** the date of transmittal of the record unless the Court of Appeals determines that the ends of justice served by holding oral argument on a later day outweigh the best interests of the public and the parties. However, the Court of Appeals may not hold oral argument more than ~~[49]~~ **56** days after the date of transmittal of the record because of general congestion of the court calendar or lack of diligent preparation or attention to the case by a member of the court or a party.

**<<(b)** Set forth in writing and provide to the parties a determination to hear oral argument more than ~~[49]~~ **56** days from the date the record is transmitted, together with the reasons for the determination. The Court of Appeals shall schedule oral argument as soon as is practicable.

<<(c) Consider, in making a determination under paragraph (b) of this subsection:

<<(A) Whether the case is so unusual or complex, due to the number of parties or the existence of novel questions of law, that [49] **56** days is an unreasonable amount of time for the parties to brief the case and for the Court of Appeals to prepare for oral argument; and

<<(B) Whether the failure to hold oral argument at a later date likely would result in a miscarriage of justice.

<<(9) The court:

<<(a) Shall limit judicial review of an order reviewed under this section to the record.

<<(b) May not substitute its judgment for that of the Land Conservation and Development Commission as to an issue of fact.

<<(10) The Court of Appeals may affirm, reverse or remand an order reviewed under this section. The Court of Appeals shall reverse or remand the order only if the court finds the order is:

<<(a) Unlawful in substance or procedure. However, error in procedure is not cause for reversal or remand unless the Court of Appeals determines that substantial rights of the petitioner were prejudiced.

<<(b) Unconstitutional.

<<(c) Not supported by substantial evidence in the whole record as to facts found by the commission.

<<(11) The Court of Appeals shall issue a final order on the petition for judicial review ~~[with the greatest possible expediency.]~~ **within 180 days after the court hears oral argument.**

<<(12) **The 180-day period described in subsection (11) of this section does not include:**

<<(a) **A period of delay that results from a motion properly before the Court of Appeals; or**

<<(b) **Except as provided in subsection (13) of this section, a period of delay that results from a continuance granted by the court on the court's own motion or at the request of one of the parties if the court granted the continuance on the basis of findings that the ends of justice served by granting the continuance outweigh the best interest of the public and the parties in having a decision within 180 days.**

<<(13) **A period of delay resulting from a continuance granted by the Court of Appeals under subsection (12)(b) of this section is not excluded from the 180-day period unless the court sets forth in the record, orally or in writing, reasons for finding that the ends of justice served by granting the continuance outweigh the best interests of the public and the parties in having a decision within the 180-day period. The court shall consider the following factors in determining whether to grant a continuance under subsection (12)(b) of this section:**

<<(a) **Whether the refusal to grant a continuance in the proceeding is likely to make it impossible to continue with the proceeding or to result in a miscarriage of justice; or**

<<(b) **Whether the case is so unusual or complex, due to the number of parties or the existence of novel questions of fact or law, that it is not reasonable to expect adequate consideration of the issues within the 180-day period.**

<<(14) **The Court of Appeals may not grant a continuance under subsection (12)(b) of this section due to general congestion of the court calendar or lack of diligent preparation or attention to the case by a party or a member of the court.**

<<[(12)] **(15) If the order of the commission is remanded by the Court of Appeals or the Supreme Court, the commission shall respond to the court's appellate judgment within 30 days.**

<<**SECTION 8. (1) The amendments to ORS 197.626 by section 6 of this 2014 Act apply to a final land use decision of a metropolitan service district that is submitted to the Land Conservation and Development Commission for review on or after the effective date of this 2014 Act.**

<<(2) **The amendments to ORS 197.651 by section 7 of this 2014 Act apply to a**



petition for judicial review under ORS 197.651 that is filed on or after the effective date of this 2014 Act.

<<SECTION 9. The amendments to ORS 197.299 by section 5 of this 2014 Act become operative January 1, 2015.>>.

In line 45, delete <<4>> and insert <<10>>.

**Unknown**

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**From:** Roger Alfred [Roger.Alfred@oregonmetro.gov]  
**Sent:** Tuesday, February 25, 2014 1:23 PM  
**To:** Jed TOMKINS; Richard.M.Whitman@state.or.us; Claudia BLACK  
**Subject:** RE: LC141 - reserves - amt. of land std

Got it – thanks. I'm about to head down to Salem, will make sure this is added to our growing list of tweaks.

---

**From:** Jed TOMKINS [<mailto:jed.tomkins@multco.us>]  
**Sent:** Tuesday, February 25, 2014 1:21 PM  
**To:** Roger Alfred; [Richard.M.Whitman@state.or.us](mailto:Richard.M.Whitman@state.or.us); Claudia BLACK  
**Subject:** LC141 - reserves - amt. of land std

Roger and Richard,

LC 141, attached, addresses the "best achieves" standard. That is good. But it should also address the second of the two standards that apply to the reserves on a region-wide basis---i.e., as a "package"---that is the "amount of land standard" ORS 195.145(4) and in rule at OAR 660-027-0040(2), which says that the package must provide 40-50 years of urban reserves. The LCDC rule requires the specific number of years.

Our original package hit the 50 year mark. I have inserted redlines into the attached LC141 to address this standard.

I have spoken to Rep Clem and Claudia Black; they have asked me to contact you about this.

**Jed Tomkins**

Assistant County Attorney  
Office of Multnomah County Attorney  
501 SE Hawthorne Blvd., Suite 500  
Portland, OR 97214  
Ph: (503) 988-3138  
Fx: (503) 988-3377

**NOTICE:** This communication, including any attachments, may contain privileged or other confidential information. If you have received this communication in error, please advise the sender by reply email and immediately delete the communication without copying or disclosing the contents. Thank you.

On Mon, Feb 24, 2014 at 11:56 AM, Jed TOMKINS <[jed.tomkins@multco.us](mailto:jed.tomkins@multco.us)> wrote:  
Richard and Roger,

It is sounding like MultCo need not be involved in Rep. Clem's bill and, indeed, that no one wants to hear from MultCO on this :-)

From what I am hearing, that all sounds fine, but I can imagine a couple of ways that this bill might impact MultCO, its reserves and its position in the court of appeals litigation. Accordingly, I feel that I, on behalf of MultCO, really need to see the current working draft before too much more happens.

Is that something you can provide to me?

Thanks and kind regards,

Jed

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On Mon, Feb 24, 2014 at 8:42 AM, Roger Alfred <[Roger.Alfred@oregonmetro.gov](mailto:Roger.Alfred@oregonmetro.gov)> wrote:  
Correct. The bill addresses Wash Co reserves and UGB only.

Sent from my iPhone

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Can you confirm one thing for me. I am hearing that Rep Clem's work:

- primarily concerns the UGB
- Is changing the UGB in Washington Co., but is leaving the UGB intact as Metro drew it for MultCO and Clackamas
- Might address reserves in Washington County to some extent, **but is not addressing MultCO or Clackamas reserves**

Is this right? I am just trying to confirm whether MultCO reserve Areas 9D or 9B are in play---I am told they are not, but it is thirdhand information.

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Unknown

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**From:** Claudia Black [claudia.black@multco.us]  
**Sent:** Tuesday, February 25, 2014 2:09 PM  
**To:** Tucker Randy  
**Subject:** Fwd: LC141 - reserves - amt. of land std

FYI

Claudia Black, Co-Director  
Office of Government Relations  
Multnomah County  
503-709-4806

Begin forwarded message:

**From:** "Rep Clem" <[rep.brianclem@state.or.us](mailto:rep.brianclem@state.or.us)>  
**Date:** February 25, 2014, 1:48:43 PM PST  
**To:** Claudia Black <[claudia.black@multco.us](mailto:claudia.black@multco.us)>  
**Cc:** "Jed TOMKINS" <[jed.tomkins@multco.us](mailto:jed.tomkins@multco.us)>, "Rep Clem" <[rep.brianclem@state.or.us](mailto:rep.brianclem@state.or.us)>, "WHITMAN Richard M \* GOV" <[richard.m.whitman@state.or.us](mailto:richard.m.whitman@state.or.us)>, "Roger Alfred" <[roger.alfred@oregonmetro.gov](mailto:roger.alfred@oregonmetro.gov)>  
**Subject: Re: LC141 - reserves - amt. of land std**

I'm talking w Ludlow now. He says they will support if they can get a guarantee they will get advantaged in the next UGB. I'm talking w Hughes

Representative Brian Clem. HD21  
H-284, State Capitol - Salem, OR  
(503) 986-1421 - Office

On Feb 25, 2014, at 1:42 PM, "Claudia Black" <[claudia.black@multco.us](mailto:claudia.black@multco.us)> wrote:

Just FYI. According to Chris Lyons (Clack's lobbyist), the Board just voted unanimously to oppose the entire amendment.

Claudia Black, Co-Director  
Office of Government Relations  
Multnomah County  
503-709-4806

On Feb 25, 2014, at 1:20 PM, Jed TOMKINS <[jed.tomkins@multco.us](mailto:jed.tomkins@multco.us)> wrote:

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Proposed Amendments to  
House Bill 4078

2/23/14 (BHC/ )

LC 141

On page 1 of the printed corrected bill, line 2, after the semicolon insert <<creating new provisions; amending ORS 197.299, 197.626 and 197.651;>>.

In line 10, after <<approved>> insert <<legislative>> and delete <<2002>> and insert <<2005>>.

On page 2, delete lines 28 and 29 and insert:

<<(17) On June 14, 2012, the commission unanimously approved the expansion of the urban growth boundary by Ordinance No. 11-1264B in Approval Order 12-UGB-001826.>>.

Delete lines 37 through 44 and insert:

<<(20) The regional and local land use decisions related to Multnomah County and Clackamas County that were approved by the Land Conservation and Development Commission in Approval Order No. 12-UGB-001826 and sections 3 and 4 of this 2014 Act provide a 30 year supply of urban reserve land, beyond the 20-year period for which Metro has demonstrated a buildable land supply in the most recent inventory, and achieve a balance in the expansion of the area within the urban growth boundary and in the designation of urban reserves and rural reserves that best achieves:

<<(a) Livability in our communities;

<<(b) Viability and vitality in our agricultural and forest industries; and

<<(c) Protection of the important natural landscape features that define the metropolitan region for its residents.

<<**SECTION 2.** (1) Section 3 of this 2014 Act is added to and made a part of ORS 195.137 to 195.145.

<<(2) Section 4 of this 2014 Act is added to and made a part of ORS 197.295 to 197.314.

<<**SECTION 3.** (1) For purposes of land use planning in Oregon, the Legislative Assembly designates the land in Washington County that was designated as rural reserve in Metro Resolution No. 11-4245, adopted on March 15, 2011, as the acknowledged rural reserve in Washington County, except that BEAVERTON S (AKA SCHOLLS FERRY/TILE FLAT ROADS) - the real property in Area 5C on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> that is more particularly described as tax lots 1500 and 1501, section 1 of township 2 south, range 2 west, Willamette Meridian, is not designated as a reserve area or included within the acknowledged urban growth boundary.

<<(2) For purposes of land use planning in Oregon, the Legislative Assembly designates the land in Washington County that was designated as urban reserve in Metro Resolution No. 11-4245, adopted on March 15, 2011, as the acknowledged urban reserve in Washington County, except that:

<<(a) AREA 8A - CENTRAL - The real property in Area 8A on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT)> that is east of the east boundary of the right of way of Jackson School Road and east of the east bank of of Storey Creek and the east bank of Waibel Creek is included within the urban growth boundary .

<<(b) AREA 8A WEST - The real property Area 8A on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report

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~~hb4078 12.doc~~

MULTCO/KELL 060008

for Resolution No. 11-4245 (03/17/11 DRAFT)> that is south of the south boundary of the right of way of Highway 26 and west of the real property described in paragraph (a) of this subsection designated rural reserve.

<<(c) HELVETIA - AREA 8B - STANDRING - The real property in Area 8B on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> that is more particularly described as tax lots 100, 900, 901, 1100, 1200, 1300 and 1400 in township 1 north, range 2 west, sections 15 and 16, Willamette Meridian, is not designated as a reserve area or included within the acknowledged urban growth boundary.

<<(d) HELVETIA - AREA 8B - The real property in Area 8B on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> that is not described in paragraph (a) of this subsection is designated as acknowledged rural reserve.

<<(e) HILLSBORO 1 FOREST GROVE - AREA 7B North of Forest Grove - The real property in Area 7B on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> that is north of the south bank of Council Creek is designated rural reserve.

<<(f) HILLSBORO 1 - FOREST GROVE AREA 7B North of Cornelius -The real property in Area 7B on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> that is south of the south bank of Council Creek is included within the urban growth boundary.

(3) For purposes of land use planning in Oregon, in relation to the following real property in Washington County that is not reserved by designation in Metro Resolution No. 11-4245, adopted on March 15, 2011, the Legislative Assembly designates:

<<(a) S NORTH PLAINS - The undesignated real property that is situated south of the City of North Plains on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> more particularly described as tax lots 100, 101, 200, 201 in section 11 of township 1 north, range 3 west, Willamette Meridian, and tax lots 1800, 2000 and 3900 in section 12 of township 1 north, range 3 west, Willamette Meridian, is designated as rural reserve.

<<(b) N of CORNELIUS in re COUNCIL CREEK - The undesignated real property that is situated north of the City of Cornelius on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> that is north of the south bank of Council Creek, east of the east right of way of Cornelius-Schefflin Road and west of the west bank of Dairy Creek is designated acknowledged rural reserve.

<<(c) N of FOREST GROVE - The undesignated real property that is north of the City of Forest Grove on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> more particularly described as east of Area 7B, west of the east right of way of Highway 47 and south of the south right of way of Northwest Purdin Road is designated acknowledged rural reserve.

<<(d) BENDEMEER - The Legislative Assembly designates as acknowledged urban reserve the following real property that is not reserved by designation and that is part of the original plat of Bendemeer, Washington County, Oregon, more particularly described as:

(A) All of lots 2 through 18, inclusive;

(B) The parts of lots 64, 65 and 66 that are situated between the east boundary of West Union Road and the west boundary of Cornelius Pass Road; and

(c) The undesignated real property that is more particularly described as:



Beginning at a point of origin that is the south bank of Holcomb Creek and the east boundary of the right of way of Cornelius Pass Road; thence easterly along the south bank of Holcomb Creek, continuing along the south bank of Holcomb Lake to its intersection with the west boundary of Area 8C; thence southerly along the west boundary of Area 8C to its intersection with the north boundary of the right of way of Highway 26; thence westerly along the right of way to its intersection with the east boundary of the right of way of Cornelius Pass Road; thence northerly to the point of origin.

<<(4) Land in Washington County that is planned and zoned for farm, forest or mixed farm and forest use and that is not designated as urban reserve may not be included within the urban growth boundary of Metro before at least 75 percent of the land in Washington County that was designated urban reserve on or before the effective date of this 2014 Act has been included within the urban growth boundary, annexed into a city and planned and zoned for urban uses.

<<(5) The real property described in subsection (2)(a) of this section:

<<(a) Is employment land of state significance does not count in determining the employment capacity of the land within Metro; and

<<(b) Must be planned and zoned for employment use.

<<(6) The designation of rural reserve and urban reserve in this section does not require a metropolitan service district or any county to modify any intergovernmental agreement entered into under ORS 195.141 on or before the effective date of this 2014 Act.

<<SECTION 4. For the purpose of land use planning in Oregon, the Legislative Assembly designates the urban growth boundary designated in Metro Ordinance No. 11-1264B, adopted October 20, 2011, as the acknowledged urban growth boundary of Metro except that:

<<(1) CORNELIUS 1 - AREA 7C - The real property in Area 7C on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> is included within the acknowledged urban growth boundary.

<<(2) CORNELIUS 2 - AREA 7D - The real property in Area 7D on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> is included within the acknowledged urban growth boundary.

<<(3) FOREST GROVE 1 - AREA 7E - The real property in Area 7E on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT),> is included within the acknowledged urban growth boundary.

<<(4) AREA 8A WEST - The real property in Area 8A on Metro's map denominated as the <Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT)> that is south of the south boundary of the right of way of Highway 26 and west of the real property described in section 3 (2)(a) of this 2014 Act is designated rural reserve.

<<SECTION 5. ORS 197.299 is amended to read:

<<197.299. (1) A metropolitan service district organized under ORS chapter 268 shall complete the inventory, determination and analysis required under ORS 197.296 (3) not later than ~~five~~ six years after completion of the previous inventory, determination and analysis.

<<(2)(a) The metropolitan service district shall take such action as necessary under ORS 197.296 (6)(a) to accommodate one-half of a 20-year buildable land supply determined under ORS 197.296 (3) within one year of completing the analysis.

<<(b) The metropolitan service district shall take all final action under ORS 197.296 (6)(a) necessary to accommodate a 20-year buildable land supply determined under ORS 197.296 (3) within two years of completing the analysis.

<<(c) The metropolitan service district shall take action under ORS 197.296 (6)(b),

within one year after the analysis required under ORS 197.296 (3)(b) is completed, to provide sufficient buildable land within the urban growth boundary to accommodate the estimated housing needs for 20 years from the time the actions are completed. The metropolitan service district shall consider and adopt new measures that the governing body deems appropriate under ORS 197.296 (6)(b).

<<(3) The Land Conservation and Development Commission may grant an extension to the time limits of subsection (2) of this section if the Director of the Department of Land Conservation and Development determines that the metropolitan service district has provided good cause for failing to meet the time limits.

<<(4)(a) The metropolitan service district shall establish a process to expand the urban growth boundary to accommodate a need for land for a public school that cannot reasonably be accommodated within the existing urban growth boundary. The metropolitan service district shall design the process to:

<<(A) Accommodate a need that must be accommodated between periodic analyses of urban growth boundary capacity required by subsection (1) of this section; and

<<(B) Provide for a final decision on a proposal to expand the urban growth boundary within four months after submission of a complete application by a large school district as defined in ORS 195.110.

<<(b) At the request of a large school district, the metropolitan service district shall assist the large school district to identify school sites required by the school facility planning process described in ORS 195.110. A need for a public school is a specific type of identified land need under ORS 197.298 (3).

<<**SECTION 6.** ORS 197.626 is amended to read:

<<197.626. (1) A local government shall submit for review and the Land Conservation and Development Commission shall review the following final land use decisions in the manner provided for review of a work task under ORS 197.633:

<<(a) An amendment of an urban growth boundary by a metropolitan service district that adds more than 100 acres to the area within its urban growth boundary;

<<(b) An amendment of an urban growth boundary by a city with a population of 2,500 or more within its urban growth boundary that adds more than 50 acres to the area within the urban growth boundary;

<<(c) A designation of an area as an urban reserve under ORS 195.137 to 195.145 by a metropolitan service district or by a city with a population of 2,500 or more within its urban growth boundary;

<<(d) An amendment of the boundary of an urban reserve by a metropolitan service district;

<<(e) An amendment of the boundary of an urban reserve to add more than 50 acres to the urban reserve by a city with a population of 2,500 or more within its urban growth boundary; and

<<(f) A designation or an amendment to the designation of a rural reserve under ORS 195.137 to 195.145 by a county, in coordination with a metropolitan service district, and the amendment of the designation.

<<**(2) When the commission reviews a final land use decision of a metropolitan service district under subsection (1)(a), (c), (d) or (f) of this section, the commission shall issue a final order in writing within 180 days after the commission votes whether to approve the decision.**

<<[(2)] **(4)** A final order of the commission under this section may be appealed to the Court of Appeals in the manner described in ORS 197.650 and 197.651.

<<**SECTION 7.** ORS 197.651 is amended to read:

<<197.651. (1) Judicial review [of a final order of the Land Conservation and Development Commission under ORS 197.626 concerning the designation of urban reserves under ORS 195.145 (1)(b) or rural reserves under ORS 195.141] is **conducted** as provided in subsections (3) to [(12)] **(15)** of this section[.] **for a final order of the Land Conservation and Development Commission concerning a final land use decision:**

<<**(a)** Made by a metropolitan service district and described in ORS 197.626



(1)(a), (c) or (d).

<<(b) Made by a county and described in ORS 197.626 (1)(f).

<<(2) Judicial review [of any other final order of the commission under ORS 197.626 or of a final order of the commission under 197.180, 197.251, 197.628 to 197.651, 197.652 to 197.658, 197.659, 215.780 or 215.788 to 215.794] is **conducted** as provided in subsections (3) to (7), (9), (10) and ~~[(12)]~~ **(15)** of this section[.] **for:**

<<(a) Any other final order of the commission described in ORS 197.626.

<<(b) A final order of the commission described in ORS 197.180, 197.251, 197.628 to 197.651, 197.652 to 197.658, 197.659, 215.780 or 215.788 to 215.794.

<<(3) A proceeding for judicial review under this section may be instituted by filing a petition in the Court of Appeals. The petition must be filed within 21 days after the date the commission delivered or mailed the order upon which the petition is based.

<<(4) The filing of the petition, as set forth in subsection (3) of this section, and service of a petition on the persons who submitted oral or written testimony in the proceeding before the commission are jurisdictional and may not be waived or extended.

<<(5) The petition must state the nature of the order the petitioner seeks to have reviewed. Copies of the petition must be served by registered or certified mail upon the commission and the persons who submitted oral or written testimony in the proceeding before the commission.

<<(6) Within ~~[21]~~ **14** days after service of the petition, the commission shall transmit to the Court of Appeals the original or a certified copy of the entire record of the proceeding under review. However, by stipulation of the parties to the review proceeding, the record may be shortened. The Court of Appeals may tax a party that unreasonably refuses to stipulate to limit the record for the additional costs. The Court of Appeals may require or permit subsequent corrections or additions to the record. Except as specifically provided in this subsection, the Court of Appeals may not tax the cost of the record to the petitioner or an intervening party. However, the Court of Appeals may tax the costs to a party that files a frivolous petition for judicial review.

<<(7) Petitions and briefs must be filed within time periods and in a manner established by the Court of Appeals by rule.

<<(8) The Court of Appeals shall:

<<(a) Hear oral argument within ~~[49]~~ **56** days ~~[of]~~ **after** the date of transmittal of the record unless the Court of Appeals determines that the ends of justice served by holding oral argument on a later day outweigh the best interests of the public and the parties. However, the Court of Appeals may not hold oral argument more than ~~[49]~~ **56** days after the date of transmittal of the record because of general congestion of the court calendar or lack of diligent preparation or attention to the case by a member of the court or a party.

<<(b) Set forth in writing and provide to the parties a determination to hear oral argument more than ~~[49]~~ **56** days from the date the record is transmitted, together with the reasons for the determination. The Court of Appeals shall schedule oral argument as soon as is practicable.

<<(c) Consider, in making a determination under paragraph (b) of this subsection:

<<(A) Whether the case is so unusual or complex, due to the number of parties or the existence of novel questions of law, that ~~[49]~~ **56** days is an unreasonable amount of time for the parties to brief the case and for the Court of Appeals to prepare for oral argument; and

<<(B) Whether the failure to hold oral argument at a later date likely would result in a miscarriage of justice.

<<(9) The court:

<<(a) Shall limit judicial review of an order reviewed under this section to the record.

<<(b) May not substitute its judgment for that of the Land Conservation and Development Commission as to an issue of fact.

<<(10) The Court of Appeals may affirm, reverse or remand an order reviewed under this section. The Court of Appeals shall reverse or remand the order only if the court finds the order is:

<<(a) Unlawful in substance or procedure. However, error in procedure is not cause

for reversal or remand unless the Court of Appeals determines that substantial rights of the petitioner were prejudiced.

<<(b) Unconstitutional.

<<(c) Not supported by substantial evidence in the whole record as to facts found by the commission.

<<(11) The Court of Appeals shall issue a final order on the petition for judicial review ~~[with the greatest possible expediency.]~~ **within 180 days after the court hears oral argument.**

<<(12) The 180-day period described in subsection (11) of this section does not include:

<<(a) A period of delay that results from a motion properly before the Court of Appeals; or

<<(b) Except as provided in subsection (13) of this section, a period of delay that results from a continuance granted by the court on the court's own motion or at the request of one of the parties if the court granted the continuance on the basis of findings that the ends of justice served by granting the continuance outweigh the best interest of the public and the parties in having a decision within 180 days.

<<(13) A period of delay resulting from a continuance granted by the Court of Appeals under subsection (12)(b) of this section is not excluded from the 180-day period unless the court sets forth in the record, orally or in writing, reasons for finding that the ends of justice served by granting the continuance outweigh the best interests of the public and the parties in having a decision within the 180-day period. The court shall consider the following factors in determining whether to grant a continuance under subsection (12)(b) of this section:

<<(a) Whether the refusal to grant a continuance in the proceeding is likely to make it impossible to continue with the proceeding or to result in a miscarriage of justice; or

<<(b) Whether the case is so unusual or complex, due to the number of parties or the existence of novel questions of fact or law, that it is not reasonable to expect adequate consideration of the issues within the 180-day period.

<<(14) The Court of Appeals may not grant a continuance under subsection (12)(b) of this section due to general congestion of the court calendar or lack of diligent preparation or attention to the case by a party or a member of the court.

<<[(12)] (15) If the order of the commission is remanded by the Court of Appeals or the Supreme Court, the commission shall respond to the court's appellate judgment within 30 days.

<<**SECTION 8. (1) The amendments to ORS 197.626 by section 6 of this 2014 Act apply to a final land use decision of a metropolitan service district that is submitted to the Land Conservation and Development Commission for review on or after the effective date of this 2014 Act.**

<<(2) The amendments to ORS 197.651 by section 7 of this 2014 Act apply to a petition for judicial review under ORS 197.651 that is filed on or after the effective date of this 2014 Act.

<<**SECTION 9. The amendments to ORS 197.299 by section 5 of this 2014 Act become operative January 1, 2015.>>.**

In line 45, delete <<4>> and insert <<10>>.



## Unknown

**From:** Shipsey Steven [steve.shipsey@doj.state.or.us]  
**Sent:** Tuesday, June 10, 2014 3:08 PM  
**To:** Jed TOMKINS; Ebbett Patrick M  
**Subject:** RE: Urban Rural Reserves - Remand

Thanks Jed. I will review this and get back to you. This is helpful to have the county's sense that the record as is is sufficient.

Steve

**From:** Jed TOMKINS [<mailto:jed.tomkins@multco.us>]  
**Sent:** Tuesday, June 10, 2014 11:20 AM  
**To:** Shipsey Steven; Ebbett Patrick M  
**Subject:** Urban Rural Reserves - Remand

Wondering if anyone out there has considered the operation of LCDC's new authority to affirm a decision "clearly supported" by the record--HB 4078, sec 9 (2014)---attached.

I've given it "some" thought . . . as evidenced by the attached draft tome (sorry), the highlights of which are:

- I hope to have an opportunity on remand to ask LCDC to resolve the remand (at least as to MultCO) at the LCDC level, rather than having the matter remanded back to the county board---I think HB 4078 makes this possible and I would submit something along the lines of the attached draft brief and present oral argument if they hold a hearing
- The deficiency in MultCO's rural reserve designation of Area 9D is *technical* in nature--it was the *explanation* that was deficient; no substantive conflict in the evidence was identified
  - The deficiency is cured if *both* the northern and southern halves of Area 9D are shown to be suitable for RR Designation
  - Other relevant rules include:
    - No need to justify the designation of the Barker Property itself;
    - If an area could be given either designation, the local gov gets to choose
- The record *is* sufficient:
  - The attached excerpt from LCDC's record as transmitted to the Court of Appeals shows ample analysis and explanation of the suitability of *both* halves of Area 9D as rural reserve
  - **note:** Area 9 used to be called Area 6. In addition, Area 6a is the northern half and Area 6b is the southern half.
- Consequently:
  - The matter could go all the way back to the county, in which case I would advise my Board to keep the record closed and just issue a new, more thorough explanation; or
  - LCDC can affirm the RR designation of Area 9D if LCDC finds that the record "clearly supports" the suitability of *both* the northern and the southern halves of Area 9D for RR Designation
    - I believe the attached excerpt of record does the trick---I don't think it's a close call at all; you'll see that both halves ranked very high for rural reserve under both the farm and forest factors and the landscape feature factors.
    - I don't know why the county's explanation didn't bring more of this out--it's a shame--it was also done before my time! :-)

Would love to discuss if you have the time.

Jed

**Jed Tomkins**

Assistant County Attorney  
Office of Multnomah County Attorney  
501 SE Hawthorne Blvd., Suite 500  
Portland, OR 97214  
Ph: (503) 988-3138  
Fx: (503) 988-3377

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Unknown

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**From:** Jed TOMKINS [jed.tomkins@multco.us]  
**Sent:** Friday, February 28, 2014 10:21 AM  
**To:** Alan Rappleyea  
**Cc:** Ebbett Patrick M; Roger Alfred; smadkour@clackamas.us; Boderman, Nathan; Jacquilyn Saito-Moore; Chris Crean  
**Subject:** Re: Urban / Rural Reserves: CoA Decision - Legislation - Next Steps

Chris Crean suggests postponing this conversation until after the legislature adjourns---i.e., so we will know the fate of HB 4078.

I agree. I'll email a prompt shortly after sine die.

**Jed Tomkins**

Assistant County Attorney  
Office of Multnomah County Attorney  
501 SE Hawthorne Blvd., Suite 500  
Portland, OR 97214  
Ph: (503) 988-3138  
Fx: (503) 988-3377

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On Wed, Feb 26, 2014 at 2:06 PM, Alan Rappleyea <[Alan\\_Rappleyea@co.washington.or.us](mailto:Alan_Rappleyea@co.washington.or.us)> wrote:

All our issues will be taken care of ... but ...

I am available at 2:00 pm-5pm.

*Alan A. Rappleyea*

Washington County Counsel

155 N First Ave. Suite 340

Hillsboro, OR 97124-3072

Ph: 503-846-8747

E-mail: [alan\\_rappleyea@co.washington.or.us](mailto:alan_rappleyea@co.washington.or.us)

\*\*\*\*\*

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**From:** Ebbett Patrick M [mailto:[patrick.m.ebbett@doj.state.or.us](mailto:patrick.m.ebbett@doj.state.or.us)]

**Sent:** Wednesday, February 26, 2014 1:11 PM

**To:** 'Jed TOMKINS'; Roger Alfred; [smadkour@clackamas.us](mailto:smadkour@clackamas.us); Boderman, Nathan; Alan Rappleyea; Jacquilyn Saito-Moore; Chris Crean

**Subject:** RE: Urban / Rural Reserves: CoA Decision - Legislation - Next Steps

Sounds like a good idea. I'm free all day tomorrow and Friday morning. I think Jed's list covers biggest remaining issues.

Patrick Ebbett

Senior Assistant Attorney General

DOJ/Appellate Division



(503) 378-4402

**From:** Jed TOMKINS [<mailto:jed.tomkins@multco.us>]

**Sent:** Wednesday, February 26, 2014 12:34 PM

**To:** Roger Alfred; [smadkour@clackamas.us](mailto:smadkour@clackamas.us); Boderman, Nathan; Alan Rappleyea; Jacquilyn Saito-Moore; Chris Crean; Ebbett Patrick M

**Subject:** Urban / Rural Reserves: CoA Decision - Legislation - Next Steps

Fellow Reserves Respondents, are you interested in a teleconference to discuss the CoA decision and next steps? I know that HB 4078 is occupying our time for the moment, but maybe the legislative fray will subside enough for a teleconference on the other aspects of this matter by, say, **this Friday**---what do you think, Roger? Who can set up a call-in number?

What topics do you have for discussion? Here's a start:

- To what extent do reserves still exist in MultCO and ClackCO?
- To what extent did LCDC's Order, or any portion thereof, survive?
- Appeal to Or Sup Ct?
- Can the issues identified by the CoA be addressed at the LCDC level or is further local process required?
  - What if HB 4078 is adopted?
- If further local process is required, what exactly would be needed?
  - What if HB 4078 is adopted?
  - What if, on further local review, MultCO or ClackCO alters its reserve boundaries?

**Jed Tomkins**

Assistant County Attorney  
Office of Multnomah County Attorney  
501 SE Hawthorne Blvd., Suite 500  
Portland, OR 97214  
Ph: (503) 988-3138  
Fx: (503) 988-3377

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**From:** Steve Barker  
**To:** [Steve Barker](#)  
**Subject:** Fwd: Barker Remand  
**Date:** Wednesday, June 21, 2017 3:26:36 PM  
**Attachments:** [conceptual view of barker property and bethany development.pdf](#)  
[nbethany2017.pdf](#)

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----- Forwarded message -----

**From:** **sandy baker** <[sjhb1503@gmail.com](mailto:sjhb1503@gmail.com)>  
**Date:** Wed, Jun 21, 2017 at 1:41 PM  
**Subject:** Barker Remand  
**To:** [Sen.BetsyJohnson@oregonlegislature.gov](mailto:Sen.BetsyJohnson@oregonlegislature.gov)  
**Cc:** Steven Barker <[sbarkerdog@gmail.com](mailto:sbarkerdog@gmail.com)>, Steve Baker <[stevebaker231@gmail.com](mailto:stevebaker231@gmail.com)>

June 21, 2017

Subject: Barker family property and Oregon Court of Appeals Remand

Senator Johnson,

Sandy Baker here...wanted to give you an update of our property challenges. To help you recall, we won the Oregon Court of Appeals Remand regarding our property of 62 acres located in Multnomah County (Area 9D) in 2014 (Barkers Five LLC). We have had no closure with this Remand so far and it's like no one even cares. We have been fighting to regain our property rights through the Urban and Rural process for almost a decade. We have owned this property for 112 years and the 5 Barker siblings, due to continuing property regulations, were never allowed to build a home and raise a family on this property. Our property abuts the North Bethany Expansion in Washington County with 15,000 people moving in practically in our back yard. Now we face 50 years of being locked out.

In May of this year, Multnomah County Commissioners voted against us 5-0 regarding our remand, this was not a big surprise. In a couple of weeks Metro will vote, and at this is not looking favorable for us. The next step will be LCDC to finalize the Clackamas and Multnomah remand.

I agree it was a monumental event when Clackamas County unanimously signed the IGA, concluding their remand. Unfortunately we do not have the advantage of an IGA, we're a little family parcel of 62 acres just inside the Multnomah County line. Then add the fact that Multnomah County never wanted Urban Reserves to begin with, their consideration opposing. It is also disappointing that the remand has only been about Clackamas, we are rarely mentioned. To most involved, we are a minor afterthought.

A concern of mine are the amendments to HB 4078 made on Feb 27 2014. Some of the amendments were instigated by Jed Tomkins (Multnomah County) and Metro legal. Did this new language change or alter the court of appeals remand order? The amendments came 7 days after the court's opinion. I have heard numerous statements for a long time by Multnomah County legal that it will not be a problem to resolve the Barker remand order. I guess I find it rather difficult to understand how or why this order would be so simple. Were they trying to make an end run around the Remand order? Was this a legitimate legal move by

Multnomah County?

I am in hopes that something positive will happen for us via legislation. I will in the meantime keep working and fighting for our property.

I know this is a busy time for you and apologize for the length of this email. I also appreciate your time and consideration in this matter. Thank you.

Best regards

Sandy Baker (maiden name is Barker)

13493 NW Countryview Way

Portland Oregon 97229

[503-690-2031](tel:503-690-2031) home

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**From:** sandy baker <sjhb1503@gmail.com>  
**Sent:** Thursday, June 22, 2017 2:23 PM  
**To:** Metro Council  
**Cc:** Steven Barker; Steve Baker  
**Subject:** Fwd: Barkers 5 LLC

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please include this with my previous email "Please submit into public records". I forgot to attach. Thanks so much!

Sandy Baker

----- Forwarded message -----

**From:** **sandy baker** <[sjhb1503@gmail.com](mailto:sjhb1503@gmail.com)>  
**Date:** Mon, Jun 19, 2017 at 11:33 AM  
**Subject:** Barkers 5 LLC  
**To:** [tom.hughes@oregonmetro.gov](mailto:tom.hughes@oregonmetro.gov)  
**Cc:** [shirley.craddick@oregonmetro.gov](mailto:shirley.craddick@oregonmetro.gov), [carlotta.collette@oregonmetro.gov](mailto:carlotta.collette@oregonmetro.gov), [craig.dirksen@oregonmetro.gov](mailto:craig.dirksen@oregonmetro.gov), [kathryn.harrington@oregonmetro.gov](mailto:kathryn.harrington@oregonmetro.gov), [sam.chase@oregonmetro.gov](mailto:sam.chase@oregonmetro.gov), [bob.stacey@oregonmetro.gov](mailto:bob.stacey@oregonmetro.gov)

President Hughes  
Council Members

This past Thursday we attended your Council Meeting, specifically for the Remand, 2<sup>nd</sup> Reading. Both of us supplied testimony along with our Attorney Peter Watts. We hope you found it useful. What prompts to write to you today is the discussion around the vote to move the 2<sup>nd</sup> Reading on.

We agree that the Clackamas part of the Remand is a big deal, and at some level cause for celebration. The IGA developed for this is an example of Government entities, Cities, County and Metro coming together to find solutions.

What was striking to us however, that is not the case with the Multnomah County part of the Remand for the Oregon Court of Appeals, Barkers 5. Our property is outside of Portland city limits and certainly not on the radar by the City Council. Thus, we have no opportunity to find a solution with a city and we certainly did not receive consideration from Multnomah Land Use Dept.

The irony to that, the Mayor of Beaverton and his letter to Multnomah County asking that our property be considered Urban due to the incredible growth in the Bethany area, which our property abuts; literally across the street.

Given the Clackamas County part of the Remand, and the different parties working together, any solution or opportunity related to our property was with Multnomah County. For over ten years we have tried to work

within the process established by Multnomah County. We have presented views that our property is much more inclined to Urban than Rural. That has fallen on deaf ears.

The process of trying to work with Multnomah County could easily be looked at as a political decision, specifically the organized neighborhood associations who dominated the Community Advisory Committee.

Last Thursday we witnessed Metro correctly identifying the Clackamas County part of the Remand. But scant attention was given to the Barkers-Multnomah part of the Remand. We are disappointed, not with you specific; this really is Multnomah.

We are constituents. We continue to reach out to the various Boards and Councils doing the best we can in describing our views and our thoughts. A person can look at maps, read the language of what the factors are for Urban and Rural and draw conclusions. However, when you literally stand on our property and look in all directions, the conclusion is obvious; homes, schools, roads, utilities are literally across the road.

You should also understand that the entire reserves process was not fair, open or transparent. Examples are minutes were revised, there was rewording and adding text to committee meetings work after the meeting. Also material and mapping was controlled to illustrate a stronger rural outcome. In addition, not having a fair CAC representation of property owners in the West Hills, not part of the neighborhood associations, was an issue.

We will continue to offer our perspective on this. We respectfully ask for your vote to send our part of the Remand back to Multnomah. We understand that you are concerned it would jeopardize the Clackamas part of the Remand. And again, we seemed to be an afterthought.

Sincerely,

Sandy and Steve Baker

Barker's Five LLC



# Bethany Development Relative to Barker Property – Looking East

