



600 NE Grand Ave.
Portland, OR 97232-2736

Council meeting agenda

Thursday, July 27, 2017

2:00 PM

Metro Regional Center, Council chamber

1. Call to Order and Roll Call

2. Citizen Communication

3. Consent Agenda

- 3.1 Consideration of the Council Meeting Minutes for July 20, 2017

[17-4846](#)

4. Resolutions

- 4.1 Resolution No. 17-4816, For the Purpose of Approving the Air Quality Conformity Determination for the 2018-2021 Metropolitan Transportation Improvement Program

[RES 17-4816](#)

Presenter(s): Ted Leybold, Metro

Attachments: [Resolution No. 17-4816](#)
[Exhibit A to Resolution No. 17-4816](#)
[Staff Report](#)

- 4.2 Resolution No. 17-4817, For the Purpose of Adopting the 2018-2021 Metropolitan Transportation Improvement Program for the Portland Metropolitan Area

[RES 17-4817](#)

Presenter(s): Ted Leybold, Metro

Attachments: [Resolution No. 17-4817](#)
[Exhibit A to Resolution 17-4817](#)
[Staff Report](#)

5. Ordinances (First Reading and Public Hearing)

- 5.1 Ordinance No. 17-1407, For the Purpose of Amending the Title 14 Map of the Urban Growth Management Functional Plan to Conform with Changes Enacted by the Oregon Legislature in House Bill 2047

[ORD 17-1407](#)

Presenter(s): Tim O'Brien, Metro

Attachments: [Ordinance No. 17-1407](#)
[Exhibit A to Ordinance No. 17-1407](#)
[Staff Report](#)
[Attachments 1-5 to Staff Report](#)

- 5.1.1 Public Hearing for Ordinance No. 17-1407

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

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ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានកម្មប័ណ្ណរើសអើងសម្រាប់ទស្សនាគោលដៅ www.oregonmetro.gov/civilrights។ បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ ថ្ងៃធ្វើការ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក ។

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Agenda Item No. 3.1

Consideration of the Council Meeting Minutes for July 20,
2017

Consent Agenda

Metro Council Meeting
Thursday, July 27, 2017
Metro Regional Center, Council Chamber

Agenda Item No. 4.1

Resolution No. 17-4816, For the Purpose of Approving
the Air Quality Conformity Determination for the
2018-2021 Metropolitan Transportation Improvement
Program

Resolutions

Metro Council Meeting
Thursday, July 27, 2017
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE AIR)	RESOLUTION NO. 17-4816
QUALITY CONFORMITY DETERMINATION)	
FOR THE 2018-2021 METROPOLITAN)	Introduced by Councilor Craig Dirksen
TRANSPORTATION IMPROVEMENT)	
PROGRAM)	

WHEREAS, clean air contributes to the health of Metro residents and their quality of life; and

WHEREAS, the federal Clean Air Act and other federal laws and regulations, including 40 Code of Federal Regulations (CFR) 93.100 through CFR 93.129, contain air quality standards designed to ensure federally supported activities meet air quality standards; and

WHEREAS, the federal standards apply to on-road transportation plans, programs and activities in the Metro area; and

WHEREAS, Oregon Administrative Rules Chapter 340, Division 252, Transportation Conformity, was adopted to implement section 176(c) of the federal Clean Air Act, as amended, and these rules also apply to Metro area on-road transportation plans, programs and activities; and

WHEREAS, these federal and state regulations require metropolitan planning organizations (MPOs) to conduct an air quality conformity determination with each update of the regional transportation plan (RTP), the development of each metropolitan transportation improvement program (MTIP) or when substantial amendments are made to the RTP or MTIP; and

WHEREAS, a new MTIP was developed over the course of 2016-2017 to reflect the funding allocation for federal fiscal years 2018 through 2021; and

WHEREAS, an air quality conformity analysis was conducted according to state and federal laws and regulations, and through consultation with local, state, and federal agencies for the 2018-2021 MTIP; and

WHEREAS, as part of the analysis, federal, state, and local partners, through the Transportation Policy Alternatives Committee (TPAC) approved utilizing the regional emissions analysis results from the 2014 RTP for the purpose of conducting the air quality conformity determination; and

WHEREAS, through project review a number of the transportation projects identified within the 2018-2021 MTIP are exempt from air quality conformity analysis; and

WHEREAS, for those projects which are not exempt, the Air Quality Conformity Determination for the 2018-2021 MTIP are consistent with what was assessed as part of the 2014 RTP and demonstrates the timing and design of the projects included in the 2018-2021 MTIP can be built and the resulting total transportation emission to be substantially less than the motor vehicle emissions budgets, or maximum transportation source emissions levels; and

WHEREAS, analysis of the transportation projects in the financially constrained 2018-2021 MTIP demonstrates compliance with the three identified transportation control measures; and

WHEREAS, a formal public comment period was held from April 24 – May 23, 2017 and staff responded to thematic comments pertaining to the air quality determination accordingly, as shown in Appendix J of Exhibit A; and

WHEREAS, the Transportation Policy Advisory Committee recommended approval of this legislation to JPACT at the June 30, 2017 meeting; and

WHEREAS, the JPACT recommended approval of this legislation at the July 20, 2017 meeting; now therefore

BE IT RESOLVED the Metro Council hereby:

1. Adopts the recommendation of JPACT and approves the Air Quality Conformity Determination for the 2018-2021 MTIP attached to this resolution as Exhibit A.
2. Directs the Chief Operating Officer to submit the Air Quality Conformity Determination for the 2018-2021 MTIP to the U.S. Environmental Protection Agency for review and the Federal Highway Administration and Federal Transit Administration for approval.

ADOPTED by the Metro Council this ____ day of July 2017.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney



Document Link: 2018-21 MTIP Air Quality Conformity Determination

2018-21 MTIP Air Quality Conformity Determination

Adoption Draft, June 30, 2017

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 17-4816, FOR THE PURPOSE OF APPROVING THE AIR QUALITY CONFORMITY DETERMINATION FOR THE 2018-2021 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM

Date: June 30, 2017

Prepared by: Grace Cho

Background

To comply with federal mandates, Metro is required to conduct an air quality analysis with the update of each Regional Transportation Plan (RTP) and development of a new Metropolitan Transportation Improvement Program (MTIP). The air quality conformity determination must demonstrate compliance with all federal and state regulated air pollutants for the area to allow the region to be eligible to receive federal funds for transportation projects. Compliance with all applicable air quality standards for the 2018-2021 MTIP is addressed in the Air Quality Conformity Determination proposed for adoption by the Metro Council.

Metro's region air quality is currently in "attainment with a maintenance plan" status for carbon monoxide. This means, while the region has greatly reduced carbon monoxide levels and has not exceeded maximum levels since 1989, it must continue to monitor on-road carbon monoxide emissions levels and complete air quality conformity determinations until October 2017.

For the region to demonstrate compliance with air quality regulations, the region must:

- Demonstrate the projected carbon monoxide emissions from transportation sources are equal to or less than the motor vehicle emissions budget(s) established for each analysis year (OAR 340-252-0190(b)(A)); and
- Demonstrate the region is meeting performance standards for any adopted transportation control measures (TCMs).

To demonstrate compliance, an air quality analysis is conducted using Metro's travel forecasting model and the U.S. Environmental Protection Agency's (EPA) approved emissions model. The travel model, using the assumptions from region's projected population and employment growth to the transportation plan horizon year (2040), produces a set of results for different years of interest. The travel model results are then fed into the emissions model to determine air pollutant emissions from on-road sources. The emissions are assessed against Oregon Department of Environmental Quality (DEQ) established emissions "budgets," or maximum permitted carbon monoxide levels from on-road transportation sources. The projected carbon monoxide emissions must be equal to or less than the region's "budgets" in order for the region to demonstrate compliance.

Additionally, the region must demonstrate it has met performance standards for all adopted TCMs. Demonstrating compliance with the TCMs involves off-model assessments. The region has three TCMs: 1) increasing transit service; 2) building bicycle infrastructure; and 3) building pedestrian infrastructure. Progress is tracked with each Regional Flexible Fund Allocation cycle.

Once the region has demonstrated air quality conformity compliance, the air quality conformity determination is adopted by Metro Council and approved by the Federal Highways Administration (FHWA) and Federal Transit Administration (FTA) (after conferring with the U.S. EPA).

Air Quality Conformity Determination - Process

Prior to conducting the analysis, the region must conduct technical consultation with local, regional, state, and federal partners to address and agree to the air quality conformity analysis approach, methodology, inputs, and assumptions. In May and June 2016, representatives of FHWA, FTA EPA, DEQ, and Oregon Department of Transportation (ODOT) and Metro were contacted via email concerning the upcoming 2018-2021 MTIP conformity analysis. A Pre-Conformity Plan (Appendix C of Exhibit A) outlining the approach and methodology to conducting the air quality analysis, was provided for review. A key element to the approach (outlined in the Pre-Conformity Plan) for conducting the air quality analysis is to utilize a provision with the federal transportation conformity rules which allows the 2018-2021 MTIP to rely on the results from the previous emissions analysis undertaken for the 2014 RTP (Resolution 14-4534) as long as certain conditions were met. The approach was proposed in the Pre-Conformity Plan and discussed at interagency consultation. State and federal partners indicated support for the Pre-Conformity Plan and gave approval to move forward with the air quality analysis on June 1, 2016. Additionally, the Transportation Policy Alternatives Committee (TPAC), as the official local consultation body for the Metro region on air quality issues related to transportation, were provided the Pre-Conformity Plan and consultation was held at the September 30, 2016 meeting. Members of TPAC approved the technical approach to the conformity determination.

Air Quality Conformity Determination Results

Exhibit A to Resolution No. 17- 4816, “For the Purpose of Approving the Air Quality Conformity Determination for the 2018-2021 Metropolitan Transportation Improvement Program,” is the air quality analysis that demonstrates the projected carbon monoxide emissions from on-road transportation sources are equal or less than state approved budgets. The emissions results compared to approved budgets are listed below in the Table 2.

Table 2. Carbon Monoxide Motor Vehicle Emissions Compared to SIP Approved Budgets

Year	Carbon Monoxide Motor Vehicle Emission Budgets (Budgets are Maximum Allowed Emissions) (pounds/ winter day)	Forecast Carbon Monoxide Motor Vehicle Emissions (pounds/ winter day)
2010	1,033,578	448,398
2017	1,181,341	324,234
2040	1,181,341	290,007

The analysis illustrates federal and state air quality standards for carbon monoxide can easily be met now and in the future in the Metro region considering the combined emissions generated from on-road vehicles using: (1) the existing transportation system, (2) the projects included in the 2018-2021 Metropolitan Transportation Improvement Program, and (3) all other local transportation projects considered regionally significant.

Because the approach for the air quality conformity determination was approved to rely on the emissions analysis which was conducted for the 2014 RTP, the results from the 2014 RTP regional emissions analysis were reported. The transportation projects identified within the 2018-2021 MTIP were able to demonstrate consistency with the 2014 RTP and therefore relying on the results of the 2014 RTP were acceptable. But a demonstration as to whether the region is meeting its commitments towards the transportation control measures were provided and updated.

The transportation projects in the 2018-2021 MTIP were also analyzed to determine whether the performance standards of the region’s transportation control measures (TCMs) are being met. The analysis demonstrates the projects identified in the 2018-2021 MTIP meet the performance standards and remain in compliance.

Public Comment Summary and Responses/Recommendation Actions to Comments Received

A public review draft of the Air Quality Conformity Determination was released for public and technical comment from April 24 through May 23, 2017. This was done jointly with the public review draft of the 2018-2021 MTIP. The public comment period was advertised through Metro News and distributed to members of the land use and transportation news digest email. Notifications were also posted on Metro's Twitter and Facebook feeds and sent to Metro advisory committee interested persons lists (TPAC and JPACT). Additionally print advertisement was placed in several local newspapers including:

- Beaverton Valley Times
- Gresham Outlook
- Clackamas Review
- Portland Tribune
- Tigard Times.

The advertisements had translated text stating the purpose of the notice and providing contact information for more information. Additionally, the public comment was advertised on Metro's newsfeed and emails were sent to Metro's planning enews list. A total of 147 public comments were received through a short online survey. Exhibit A Appendix J provides the full public comment report, a short two-page summary, and Metro staff responses to the major comment themes.

The public comments were shared with TPAC and the local consultation body recommended adoption of this resolution at the June 30, 2017 meeting.

ANALYSIS/INFORMATION

1. **Known Opposition** None.

2. Legal Antecedents

- Resolution 10-150A, "For the Purpose of Approving the Air Quality Conformity Determination for the 2035 Regional Transportation Plan and the 2010-13 Metropolitan Transportation Improvement Program."
- Resolution 12-4333, "For the Purpose of Adopting the 2012-15 Metropolitan Transportation Improvement Program."
- Resolution 13-4490, "For the Purpose of Adopting the Substitute Transit Transportation Control Measure (TCM) as part of the State Air Quality Strategy and Regional Air Quality Conformity Determination."
- Resolution 14-4493, "For the Purpose of Approving the Use of Federal Streamlining Provisions for Regional Air Quality Conformity Determinations."
- Resolution 14-4527, "For the Purpose of Accepting the 2014 Regional Transportation Plan Project List for the Purpose of Air Quality Conformity Determination."
- Resolution 14-4534 "For the Purpose of Approving the Joint Air Quality Conformity Determination for the 2014 Regional Transportation and the 2018-2021 Metropolitan Transportation Improvement Program."

3. **Anticipated Effects:** Approval of this resolution allows for funding proposed for transportation projects in the 2018-2021 MTIP. With approval by JPACT and adoption by Metro Council, staff will submit the Air Quality Conformity Determination for review by the U.S. Environmental Protection

Agency and to the Federal Highway Administration and the Federal Transit Administration for approval.

4. **Budget Impacts:** None directly by this action.

RECOMMENDED ACTION

Staff recommends approval of Resolution No. 17-4816.

Agenda Item No. 4.2

Resolution No. 17-4817, For the Purpose of Adopting the
2018-2021 Metropolitan Transportation Improvement
Program for the Portland Metropolitan Area

Resolutions

Metro Council Meeting
Thursday, July 27, 2017
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE 2018-) RESOLUTION NO. 17-4817
2021 METROPOLITAN TRANSPORTATION)
IMPROVEMENT PROGRAM FOR THE) Introduced by Councilor Craig Dirksen
PORTLAND METROPOLITAN AREA)

WHEREAS, the Portland metropolitan area Metropolitan Transportation Improvement Program (MTIP), which reports on the programming of all federal transportation funds to be spent in the region, must be periodically updated in compliance with federal regulations; and

WHEREAS, the Metro Council and Joint Policy Advisory Committee on Transportation (JPACT) have proposed programming for federal fiscal years 2019-2021 through the regional flexible funds allocation process for a portion of the federal allocation of transportation funds to this region; and

WHEREAS, the Oregon Department of Transportation has proposed programming for federal fiscal years 2018-2021 of federal transportation funds for projects in the Portland metropolitan area through funding allocation processes they administer; and

WHEREAS, the transit service providers TriMet and South Metropolitan Area Rapid Transit (SMART) have proposed programming of federal transit funds for federal fiscal years 2018-2021; and

WHEREAS, these proposed programming of funds must be found in compliance with all relevant federal law and administrative rules, including a demonstration of compliance with the Oregon State implementation plan for air quality; and

WHEREAS, the draft 2018-2021 MTIP for the Portland, Oregon metropolitan area, attached as Exhibit A, demonstrates compliance with all relevant federal law and administrative rules; and

WHEREAS, the companion Metro Resolution No.17-4816, For the Purpose of Approving the Air Quality Conformity Determination for the 2018-2021 Metropolitan Transportation Improvement Program, demonstrates compliance with the federal Clean Air Act and the Oregon State implementation plan for air quality; and

WHEREAS, the 2018-2021 Metropolitan Transportation Improvement Program demonstrates compliance with the federal regulations Title VI of the Civil Rights Act of 1964 and Executive Order 12898 on Environmental Justice requirements, and

WHEREAS, the proposed 2018-2021 MTIP is consistent with the 2014 Regional Transportation Plan, adopted by Metro Ordinance No. 14-1340; and

WHEREAS, a public process has provided an opportunity to comment on the programming of federal funds to specific projects in specific fiscal years and whether the programming meets all relevant laws and regulations;

WHEREAS, extensive public processes were used to select projects to receive federal transportation funds; and

WHEREAS, on July 20, 2017 JPACT recommended approval of this resolution and the 2018-2021 MTIP; now therefore

BE IT RESOLVED that the Metro Council adopt the 2018-2021 Metropolitan Transportation Improvement Program for the Portland metropolitan areas as shown in Exhibit A; and

BE IT RESOLVED that projects in the existing 2015-2018 MTIP that do not complete obligation of funding prior to September 30, 2017 will be programmed into the 2018-2021 MTIP.

ADOPTED by the Metro Council this ___ day of July 2017.

Tom Hughes, Council President

Approved as to Form:

Alison Kean, Metro Attorney



Document Link: Metropolitan Transportation Improvement Program (MTIP) Adoption Draft

2018-2021 Metropolitan Transportation Improvement Program (MTIP)

Adoption Draft

June, 2017

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 17-4817 FOR THE PURPOSE OF APPROVING THE 2018-2021 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM FOR THE PORTLAND METROPOLITAN AREA

Date: June 30, 2017

Prepared by: Grace Cho

PURPOSE

The 2018-2021 Metropolitan Transportation Improvement Program (MTIP) is a report summarizing all programming of federal transportation funding in the Portland metropolitan region for the federal fiscal years 2018 through 2021. Acting on this resolution would:

- Approve the scheduling of previously allocated federal funding to projects by project phase and fiscal year;
- Define administrative authority to add or remove projects from the 2018-2021 MTIP (as defined in Chapter 6);
- Affirm the region meets federal planning and programming rules and permit submission of the 2018-2021 MTIP to the Governor of Oregon and incorporation into the State Transportation Improvement Program.

BACKGROUND

The 2018-2021 Metropolitan Transportation Improvement Program (MTIP) is the federally mandated four-year schedule of expenditures (i.e., spending) of federal transportation funds as well as significant state and local funds in the Portland metropolitan region. As a report, the MTIP provides the upcoming four-year implementation schedule of transportation projects in the Portland region. The report must also demonstrate the use of federal funds will comply with all relevant federal laws and administrative rules.

In the Portland metropolitan region, there are three processes which propose programming of federal transportation funds and are therefore reflected in the MTIP. These processes are:

- The Regional Flexible Fund Allocation (RFFA): A process led by the Joint Policy Advisory Committee on Transportation and the Metro Council to allocate the region's discretionary federal transportation funds;
- The allocation of "Fix-It" and "Enhance" funding administered by the Oregon Department of Transportation, which predominately focuses on capital improvements and maintenance on the national highway system; and
- TriMet's Capital Investment Program (CIP) and the South Metro Area Rapid Transit (SMART) Capital Improvement Program (CIP): the processes led by the individual transit operators in region. TriMet's CIP is a 5-year rolling capital improvement program that guides the short term implementation of the 20-year service enhancement plans. The South Metro Area Rapid Transit (SMART) is the transit agency for the City of Wilsonville and allocates transit funding in conjunction with the city budget process.

All the projects and programs selected to receive federal funding through the three processes are summarized in the tables listed in Chapter 5 of the 2018-2021 MTIP (Exhibit A) by lead agency. The tables illustrate the assignment of funds by fund type and the amount of funding by disbursement year for the federal fiscal years 2018 through 2021. There are a number of different federal transportation funds assigned to different projects. This includes Federal Highway Administration (FHWA) funds: surface transportation block grant, congestion mitigation/air quality and the FTA funds new starts, small starts, a program for special needs transportation for seniors and people with disabilities, allocations for bus

purchases and allocations for maintenance of the bus and rail systems. Previous programming of these funds have been updated to reflect project completion as well as changes in construction schedules and project costs.

Additionally, programming changes to the adopted 2015-2018 MTIP that also need to be reflected in the 2018-2021 MTIP, will be tracked by staff during this adoption and approval process. These changes will become effective in the 2018-2021 MTIP immediately following federal approval of the 2018-2021 STIP by the U.S. Department of Transportation.

Public Comment for the Draft 2018-2021 MTIP

The Federal Highway Administration and Federal Transit Administration require Metro and other regional agencies nationwide to make the schedule of MTIP projects available for a 30-day public comment prior to final adoption.

On Monday, April 24, 2017, Metro opened a joint public comment period for the 2018-2021 MTIP and the air quality conformity determination (described in the staff report for Resolution 17-4816). As part of the public comment, Metro developed a four question survey which provided some information about the 2018-2021 MTIP and the air quality conformity determination and asked for feedback. The design of the short survey was a way of gather feedback without having members of the public needing to read the entire 2018-2021 MTIP or the air quality conformity determination. The public comment closed on Tuesday, May 23, 2017.

A total of 147 public comments were received on the 2018-2021 MTIP. In review of the public comments, the following main themes emerged from comments:

- More investment is needed; respondents often focused on their preferred mode (road maintenance, road capacity, light rail, bus service, bike facilities, sidewalks).
- Other types of investments could be reduced (road capacity, light rail or transit generally, bike facilities, sidewalks).
- Investment levels should match current demand (higher number of users or number of trips per mode should have higher level of investment) and/or be self-funding.
- Investments should be made to improve the quality of life for underserved populations but done in a way that doesn't trigger market-based displacement.

The public comment report and a summary of comments received on the draft 2018-2021 MTIP can be found in Appendix VII of Exhibit A.

Staff recommends adoption of the 2018-2021 Metropolitan Transportation Improvement Program with no changes.

The summary of comments and responses can be found in the companion documents, considered under Resolution No. 17-4816.

ANALYSIS/INFORMATION

1. **Known Opposition** None known at this time.
2. **Legal Antecedents** This resolution programs transportation funds in accordance with the federal transportation authorizing legislation. The allocation process is intended to implement the Regional Flexible Fund Allocation (RFFA) process for years 2019 through 2021 as defined by Resolution Nos. 13-4467, 16-4756, and 17-4791. The 2018-2021 MTIP must be consistent with the 2014 Regional Transportation Plan, adopted by Metro Ordinance No. 14-1340. This MTIP must also be determined

to be in conformance with the federal Clean Air Act, which will be accomplished through concurrent action on Metro Resolution No. 17-4816.

3. **Anticipated Effects** Adoption of this resolution is a necessary step to make the transportation projects and programs defined in the 2018-2021 MTIP, provided as Exhibit A, eligible to receive federal funds to reimburse project costs.
4. **Budget Impacts** Adoption of this resolution is a necessary step in making eligible federal surface transportation program funds for planning activities performed at Metro. These impacts have been previously described as a part of the actions on Metro Resolution Nos. 11-4313, 13-4467, and 14-4532. This includes \$5,688,777 of federal funds to be used for planning activities at Metro between 2018-2021. Grant funds allocated to Metro planning require a match totaling 10.27% of project costs. This would include \$647,791 through the course of the 2018-2021 time period. An additional \$10,410,740 of planning and programming activities scheduled and funded to take place in the 2018-2021 MTIP. These funds are subject to being sub-allocated to Metro or other agencies, although Metro would only be responsible for matching the portion of funds sub-allocated to Metro. Further action through the annual Unified Planning Work Program (UPWP) and individual Intergovernmental Agreements (IGA) will be needed to execute these planning activities.

RECOMMENDED ACTION

Staff recommends approval of Resolution No. 17-4817.

Agenda Item No. 5.1

Ordinance No. 17-1407, For the Purpose of Amending the
Title 14 Map of the Urban Growth Management Functional
Plan to Conform with Changes Enacted by the Oregon
Legislature in House Bill 2047

*Ordinances (First read
and public hearing)*

Metro Council Meeting
Thursday, July 27, 2017
Metro Regional Center, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING)
THE TITLE 14 MAP OF THE URBAN)
GROWTH MANAGEMENT FUNCTIONAL)
PLAN TO CONFORM WITH CHANGES)
ENACTED BY THE OREGON)
LEGISLATURE IN HOUSE BILL 2047)
ORDINANCE NO. 17-1407
Introduced by Martha J. Bennett, Chief
Operating Officer, with the concurrence of
Tom Hughes, Council President

WHEREAS, in 2010 and 2011 Metro, Washington County, Multnomah County and Clackamas County entered into agreements regarding the designation of urban reserves and rural reserves in the Metro region pursuant to ORS 195.141, and those reserve areas were formally adopted and mapped on April 21, 2011 via Metro Ordinance No. 11-1255; and

WHEREAS, the Land Conservation and Development Commission (LCDC) reviewed the urban and rural reserve designations and voted to approve those designations in 2011; and

WHEREAS, relying on LCDC's vote of approval regarding the urban reserve areas, Metro proceeded with its 2011 growth management decision and expanded the Urban Growth Boundary (UGB) to include four areas in Washington County on October 20, 2011 via Ordinance No. 11-1264B; and

WHEREAS, LCDC issued its written decision approving the urban and rural reserve designations on August 14, 2012 via Order No. 12-ACK-001819, and issued its written decision approving the UGB expansion on December 21, 2012 via Order No. 12-UGB-001826; and

WHEREAS the LCDC order approving the urban and rural reserve designations was reversed and remanded by the Oregon Court of Appeals on February 20, 2014; and

WHEREAS, in response to the decision issued by the Court of Appeals, the Oregon Legislative Assembly enacted House Bill 4078 on April 1, 2014, which: (a) legislatively enacted Metro's 2011 UGB expansion, (b) added approximately 1,178 acres of land formerly designated as urban reserve to the UGB in Washington County, (c) made changes in the designation of certain urban and rural reserve areas in Washington County, and (d) identified certain land being brought into the UGB as being specifically designated for employment and industrial purposes; and

WHEREAS, in order to reflect the map amendments enacted by House Bill 4078, Metro revised its maps under Title 4 and 14 of the Urban Growth Management Functional Plan through the adoption of Ordinance 14-1336 on July 31, 2014; and

WHEREAS, it was later discovered that House Bill 4078 contained mapping errors related to urban and rural reserve designations in Washington County; and

WHEREAS, in order to correct those mapping errors, the 2015 Oregon Legislative Assembly enacted House Bill 2047; and

WHEREAS, the map revisions enacted by House Bill 2047 became effective on January 1, 2016 and create discrepancies with the map adopted by Metro in 2014; and

WHEREAS, Metro is obligated to revise its map under Title 14 of the Urban Growth Management Functional Plan in order to make the corrected urban and rural reserve locations correspond with the locations adopted by the legislature; now therefore

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro Title 14 map of the UGB and urban and rural reserves is hereby amended, as indicated in Exhibit A, attached and incorporated into this Ordinance, to revise the location of urban and rural reserves as required by House Bill 2047.

ADOPTED by the Metro Council this _____ day of August 2017.

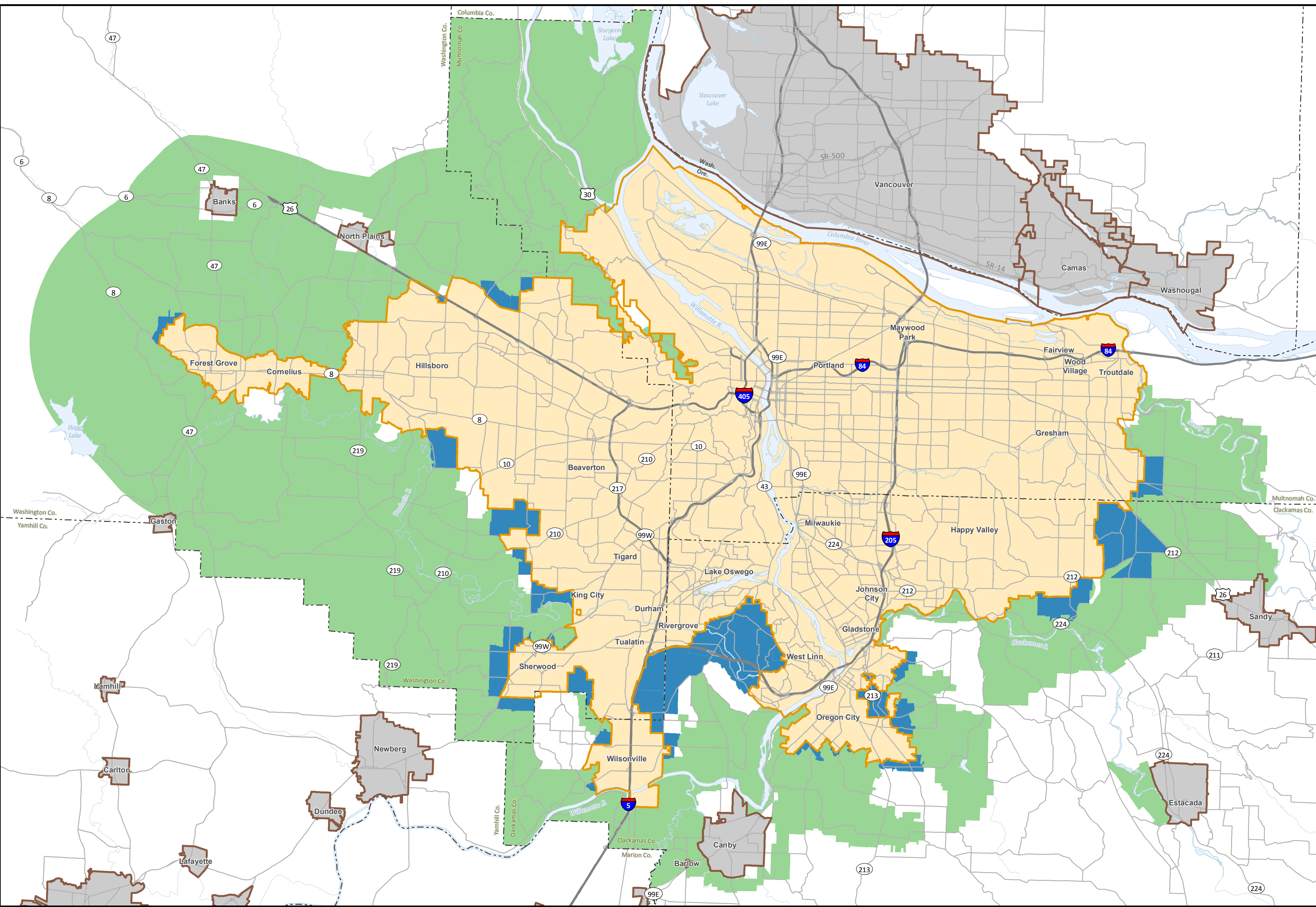
Tom Hughes, Council President

Attest:

Approved as to Form:

Nellie Papsdorf, Recording Secretary

Alison R. Kean, Metro Attorney

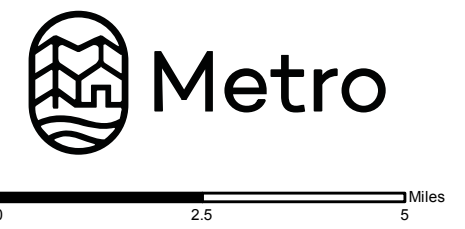


Title 14, Urban Growth Boundary

Exhibit A

August 2017

- Metropolitan Portland Urban Growth Boundary
- Rural Reserves
- Urban Reserves
- Other Urban Growth Boundary
- County Boundaries



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

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 17-1407, FOR THE PURPOSE OF AMENDING THE TITLE 14 MAP OF THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN TO CONFORM WITH CHANGES ENACTED BY THE OREGON LEGISLATURE IN HOUSE BILL 2047

Date: July 12, 2017

Prepared by: Tim O'Brien
Principal Regional Planner

BACKGROUND

After the Oregon Legislature enacted House Bill 4078 (the land use “Grand Bargain”) in 2014, it was discovered that there were a handful of errors in the technical legal descriptions of some of the properties being described as urban or rural reserves. Those errors were corrected in the 2015 legislative session by House Bill 2047, and the corrections became effective in 2016. The purpose of this ordinance is to conform Metro’s official map of urban and rural reserves with the technical fixes that were enacted by House Bill 2047.

PROPOSAL

Urban Growth Management Functional Plan (Functional Plan) Title 14: Urban Growth Boundary contains Metro’s code requirements related to expansion of the UGB. The Urban Growth Boundary and Urban and Rural Reserves Map contained in Title 14 is the official depiction of the UGB and the urban and rural reserves in the Metro region. Thus, the Title 14 map needs to be amended to reflect the changes to the urban and rural reserves as a result of the technical fixes made by House Bill 2047. A summary of the changes is outlined in the table below and represented on Attachments 1-4. Attachment 5 represents these changes on the Title 14 Map. The 2040 Growth Concept Map will be updated to reflect the changes adopted on the Title 14 Map on the effective date of this ordinance.

Amendments to the Urban and Rural Reserves	
Undesignated to Rural Reserve	Attachment
Highway 47/NW Purdin Road Intersection right-of-way	1
NW Gordon Road right-of-way	2
Urban Reserve to Undesignated	
Highway 26/NW Helvatia Road Interchange right-of-way parcel	3
Rural Reserve to Urban Reserve	
NW Cornelius Pass Road right-of-way	4
Tax lot IN214A004050	4
Tax lot (partial) 1N214D0000400	4
Undesignated to Urban Reserve	
NW West Union Road right-of-way	4

ANALYSIS/INFORMATION

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

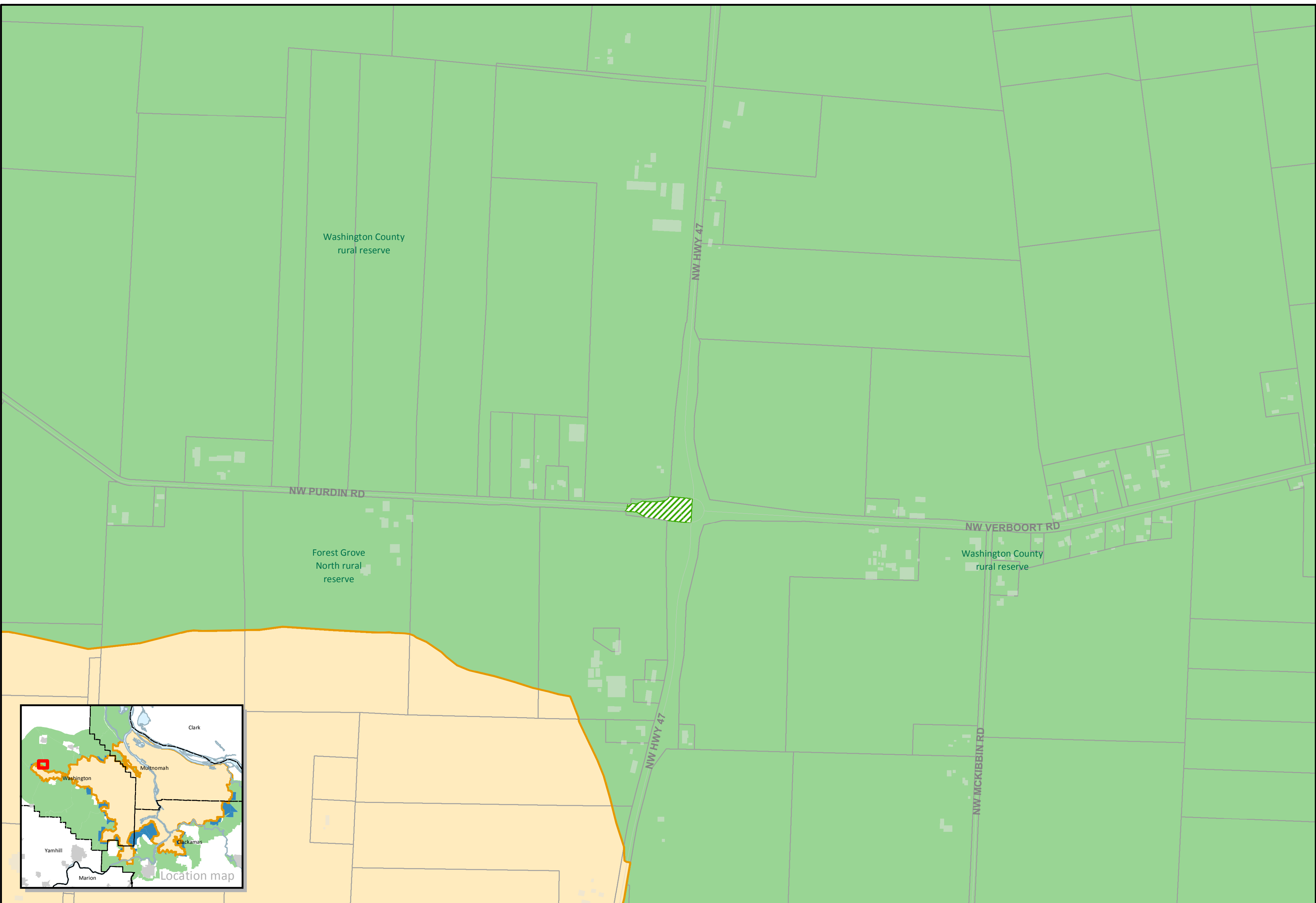
Legal Antecedents: Oregon Revised Statute (ORS) 197.298 and 197.299 and Metro Code Section 3.07.1400 provide evaluation and amendment requirements for an amendment to the urban growth boundary.

Anticipated Effects: Adoption of Ordinance No. 17-1407 will amend the urban and rural reserves in Washington County on the Title 14 Map consistent with the provisions of House Bill 2047.

Budget Impacts: There is no budget impact.

RECOMMENDED ACTION

Staff recommends adoption of Ordinance No. 17-1407.





HB2047 Urban and Rural Reserves Washington County Area - Attachment 1

August 2017



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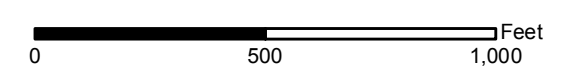
Existing Reserves

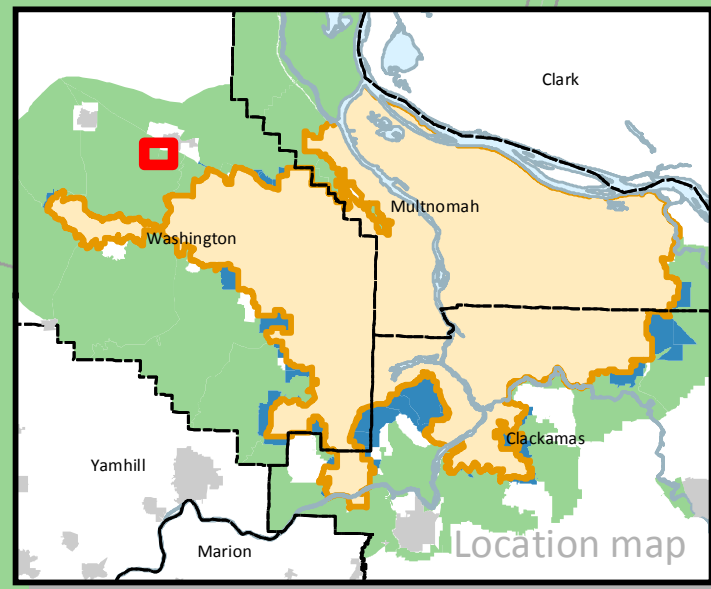
-  Rural Reserve
-  Urban Reserve

Reserve Changes

-  Rural to Urban
-  Undesignated to Urban
-  Undesignated to Rural
-  Urban to Undesignated


-  Metropolitan Portland Urban Growth Boundary
-  Taxlots








HB2047 Urban and Rural Reserves
Washington County Area - Attachment 2
 August 2017

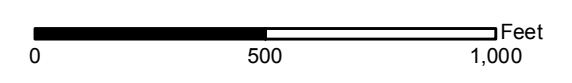
Existing Reserves

-  Rural Reserve
-  Urban Reserve

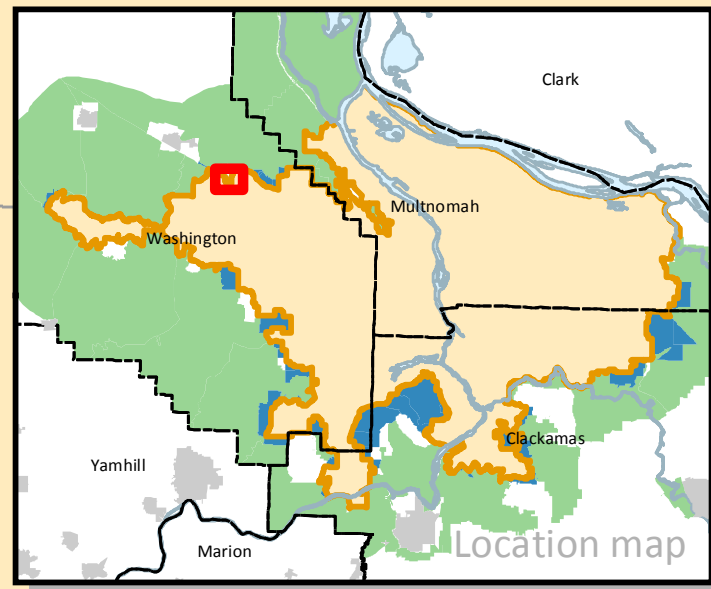
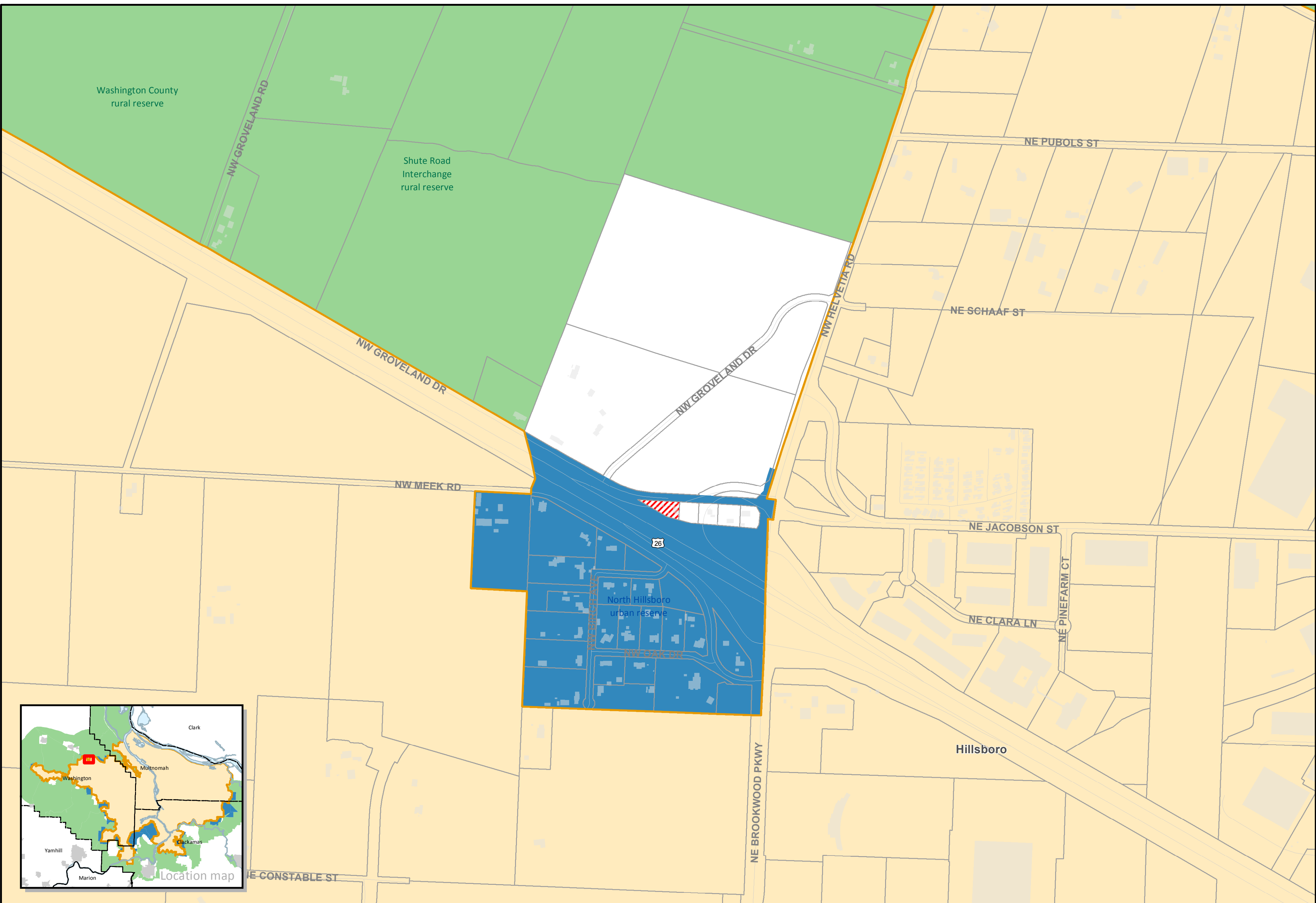
Reserve Changes

-  Rural to Urban
-  Undesignated to Urban
-  Undesignated to Rural
-  Urban to Undesignated

-  Metropolitan Portland Urban Growth Boundary
-  Other Urban Growth Boundary
-  Taxlots



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HB2047 Urban and Rural Reserves
Washington County Area - Attachment 3
 August 2017

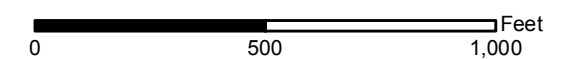
Existing Reserves

- Rural Reserve
- Urban Reserve

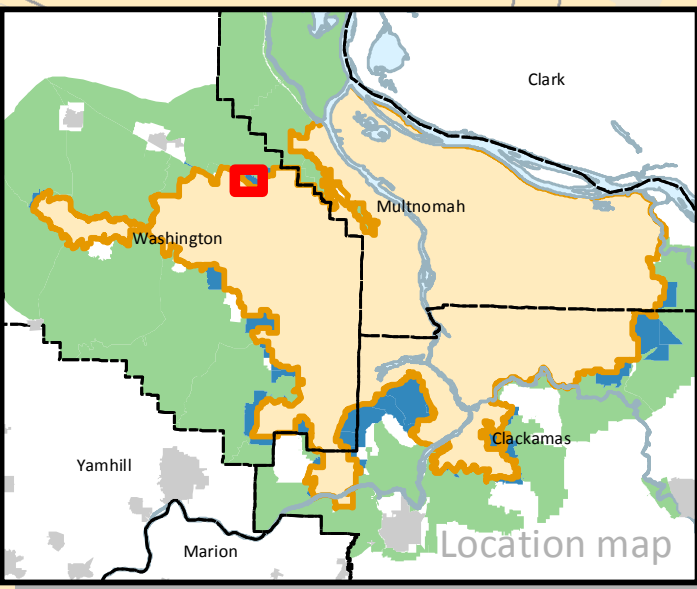
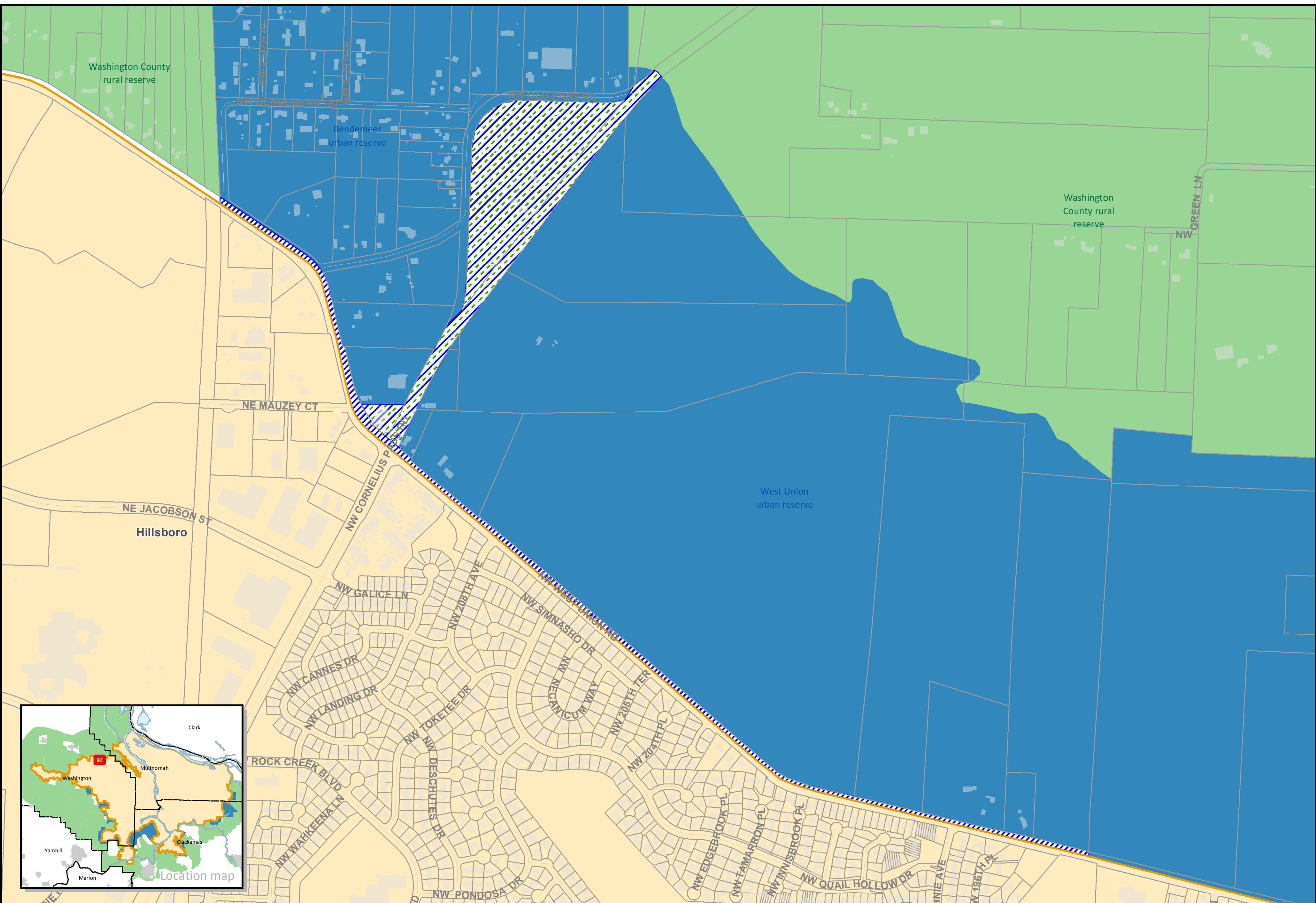
Reserve Changes

- Rural to Urban
- Undesignated to Urban
- Undesignated to Rural
- Urban to Undesignated

- Metropolitan Portland Urban Growth Boundary
- Taxlots



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HB2047 Urban and Rural Reserves
Washington County Area - Attachment 4
 August 2017

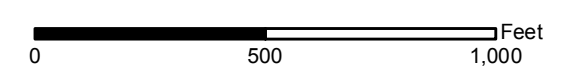
Existing Reserves

- Rural Reserve
- Urban Reserve

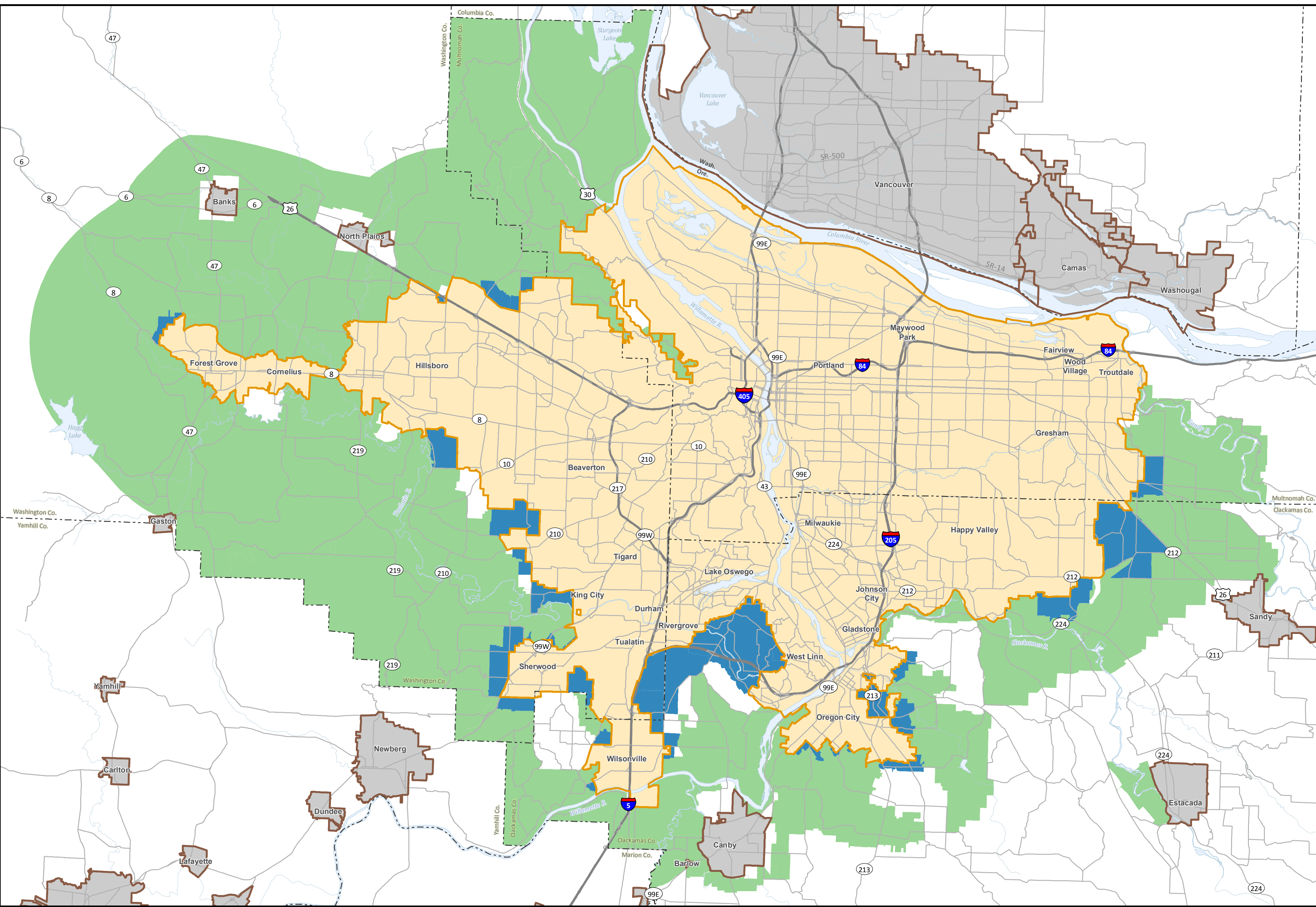
Reserve Changes

- Rural to Urban
- Undesignated to Urban
- Undesignated to Rural
- Urban to Undesignated

- Metropolitan Portland Urban Growth Boundary
- Taxlots



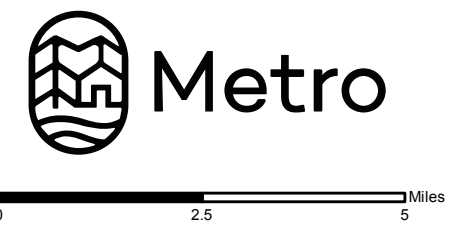
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Title 14, Urban Growth Boundary Attachment 5

August 2017

- Metropolitan Portland Urban Growth Boundary
- Other Urban Growth Boundary
- Rural Reserves
- Urban Reserves
- County Boundaries



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Materials following this page were distributed at the meeting.

Metro

*600 NE Grand Ave.
Portland, OR 97232-2736
oregonmetro.gov*



Metro

Minutes

Thursday, July 20, 2017

2:00 PM

Metro Regional Center, Council chamber

Council meeting

1. Call to Order and Roll Call

Council President Tom Hughes called the Metro Council meeting to order at 2:01 p.m.

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

Ninette Jones, City of Portland: Ms. Jones urged the Metro Council to protect Oregon's waterways against oil development. She noted the importance of protecting the health, livability, and environmental habitats of the Portland metropolitan region. She asked that the transportation package include language ensuring that culverts and water divisions across the Metro area met Endangered Species Act standards.

Donna Cohen, City of Portland: Ms. Cohen shared testimony related to planned pedestrian crossing improvements along the Fessenden/St. Louis corridor. She shared concerns about the City of Portland's decision to eliminate many of the pedestrian features in the plan and asked that the proper public involvement process take place as required. (Ms. Cohen also provided written testimony; please see the July 20 meeting packet.)

3. Presentations**3.1 Elephant Lands Visitor Education Outcomes**

Council President Hughes introduced Ms. Heidi Rahn and Mr. Grant Spickelmier, Oregon Zoo staff, to provide a presentation on visitor education outcomes at the Elephant Lands exhibit at the Oregon Zoo.

Ms. Rahn shared a brief history of the Elephant Lands exhibit, recalling that in 2008 the Portland metropolitan area approved a \$125 million investment in the Oregon Zoo to enhance animal welfare, increase access to conservation education, and conserve water and energy. Ms. Rahn noted that a new elephant exhibit was a large component of the 2008 bond and its goal was to promote a converse range of natural behaviors, offer increased opportunities for choice and social interaction, and provide biologically-meaningful challenges for the animals. She explained that in addition, the new exhibit was intended to equip visitors with an understanding of elephant welfare and inspire them to take conservation action. She stated that staff would return later in the year with an assessment of the effectiveness of design features for the elephants, but also wanted to evaluate if and how the Oregon Zoo met its education goals for the exhibit.

Mr. Spickelmier then provided an overview of the education outcomes evaluation. He explained that Oregon Zoo staff outlined several key goals for visitors' experience with Elephant Lands and worked with an evaluation firm to create six guiding questions that would help the team determine if the exhibit accomplished these goals. He informed the Council that the evaluation included a ground survey, timing and tracking survey, and a series of focus groups with staff, visitors, and volunteers. Mr. Spickelmier then shared a high-level overview of the resulting evaluation report. He explained that the timing and tracking study demonstrated that the exhibit was compelling for visitors and also highlighted which graphics and features were used regularly by guests, such as elephant identification panels and information about elephants' unique feet. He added that the

survey also informed Oregon Zoo staff that visitors were enjoying their stay; for example, 85% of survey respondents rated their experience as very good or excellent and none gave a poor rating. Mr. Spickelmier stated that overall staff felt the results demonstrated that the exhibit provided visitors with a compelling experience and accomplished its education goals.

Council Discussion

Councilors expressed their support for the Elephant Lands exhibit. Councilor Craddick asked how the process of evaluating the exhibit might change over time. Mr. Spickelmier noted that particularly with conservation, researchers and zoo staff were learning new aspects all of the time. He stated that to adjust to such changes, the Oregon Zoo would continue to self-evaluate. Council President Hughes spoke to the value of promoting global conservation efforts at the Oregon Zoo. The Council thanked Oregon Zoo staff for their work.

4. Consent Agenda

Approval of the Consent Agenda

A motion was made by Councilor Collette, seconded by Councilor Stacey, 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

- 4.1 Consideration of the Council Meeting Minutes for June 29, 2017
- 4.2 Resolution No. 17-4811, For the Purpose of Amending the 2015-18 Metropolitan Transportation Improvement Program (MTIP) to Modify and/or Add New Projects as Part of the May 2017 Formal MTIP Amendment (MY17-04-May) Involving a Total of Nine Affected Projects for ODOT, Metro, TriMet, and Ride Connection

5. Resolutions

- 5.1 Resolution No. 17-4821, For the Purpose of Authorizing an Exemption from Competitive Bidding and Authorizing Procurement by Request for Proposals for Food Waste Processing Services

Council President Hughes recessed the meeting of the Metro Council and convened the Metro Contract Review Board. He called on Ms. Tracy Sagal and Ms. Lisa Heigh, Metro staff, for a brief presentation on the resolution. Ms. Sagal explained that the Regional Solid Waste Plan identified commercial food waste as a priority area of focus, reflecting the significant quantity of food scraps material that remained in the region's waste stream and the potential environmental and economic benefits of recovery. She stated that Metro sought processing capacity to recover 50,000 tons annually of food waste from the commercial sector, with a preference for a facility located in or in close proximity to the Portland metropolitan area. She added that Metro wished to ensure that the region managed its food waste in a manner that protected human health and the environment while protecting good value for the public's money.

Ms. Sagal explained that on January 22, 2016, Metro issued a request for qualifications (RFQ) in order to prequalify firms to provide such services in the region, and prequalified nine firms in April 2016 as a result. She noted that Metro then issued a request for proposals (RFP) for food waste processing services on May 25, 2017. Ms. Sagal informed the Council that recognizing the unique aspects of the project, staff determined the public would benefit if the respondents could propose the type of financing arrangement that would best meet Metro's project objectives, including a public-private partnership, private-only financing, or public-only financing. She explained that because of this

flexibility in the RFP, procurement may result in the award of a contract that included a public-financed construction project. She stated that in order to be prepared for that outcome, staff was requesting an alternative to the request for bid requirement for publicly financed construction projects. Ms. Sagal expressed that based on the findings expressed in the resolution, staff felt that a value- and experience-based selection process was more appropriate than a traditional competitive bid and would result in a more beneficial result for the agency and the region.

Council Discussion

Councilor Harrington confirmed that the resolution would allow Metro to fully evaluate the proposals that had not yet been received, in addition to allowing staff to conduct the RFP and not a request for bid (RFB), if necessary. Ms. Sagal replied that this was correct and the original May RFP would not change. Councilor Craddick asked for examples of potential public-financing options. Councilor Stacey spoke to the complexity of food processing and expressed support for providing additional flexibility.

A motion was made by Councilor Stacey, seconded by Councilor Dirksen, 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

5.1.1 Public Hearing for Resolution No. 17-4821

Council President Hughes opened up a public hearing on Resolution No. 17-4821 and requested that those wishing to testify come forward to speak. Seeing none, Council President Hughes gaveled out of the public hearing. He

adjourned the Metro Contract Review Board and reconvened the meeting of the Metro Council.

- 5.2 Resolution No. 17-4815, For the Purpose of Approving the Amended and Restated Intergovernmental Agreement Among the State of Oregon, Metro, Clackamas County, and Oregon City for the Willamette Falls Legacy Project

Council President Hughes called on Mr. Brian Moore, Metro staff, for a brief presentation on the resolution. Mr. Moore explained that adoption of Resolution No. 17-4815 would approve the amended and restated intergovernmental agreement (IGA) established in March 2016 with the state of Oregon, Clackamas County, and Oregon City for the Willamette Falls Legacy Project. He informed the Council that the update would provide direction for delivery of the first phase of the Riverwalk project. He stated that the project budget would continue to follow a two-year cycle, allowing each agency to appropriate funds according to their own processes and procedures. He noted that Metro continued on track to deliver on commitments for the state funding and for the natural areas bond funding, and also continued to hold the easement for the Riverwalk. Mr. Moore explained that the proposed IGA would formally continue the partners group as the advisory body for the project and retain representation from each partner agency. He added that in the fall, staff would return to the Council seeking approval for the proposed Willamette Falls Legacy Project Master Plan.

Council Discussion

Councilor Craddick asked about the \$15 million to be raised by the Rediscover the Falls group and how it was intended to be spent. Councilor Harrington thanked Councilor Collette and Metro staff for all of their work on the project, noting that its completion would mark a significant achievement.

Council President Hughes and Councilor Collette expressed support for the resolution. Councilor Collette added that she was excited to see the project move forward into the permitting phase. Ms. Ninette Jones expressed concerns about impacts on local sea lion populations and asked questions about the project's tribal partners. Ms. Bennett suggested that Ms. Jones meet with Mr. Moore to discuss her questions about the project.

A motion was made by Councilor Collette, seconded by Councilor Stacey, 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. Chief Operating Officer Communication

Ms. Martha Bennett informed the Metro Council that there was a small brush fire at the Canemah Bluff Nature Park that morning. She thanked Ms. Barbara Edwardson for 14 years of service in Metro's natural areas acquisition program and acknowledged her many accomplishments. Ms. Bennett also announced there would be a star viewing party at Glendoveer Golf and Tennis Center on July 22.

7. Councilor Communication

Councilors provided updates on the following meetings or events: an open house for the Gabbert Butte Master Plan, the Joint Policy Advisory Committee on Transportation (JPACT), and the brownfields coalition. Councilor Chase noted that he had testified in favor of a proposal at the City of Portland that would allow incentives to be put in place for the cleanup and development of brownfield properties.

8. Adjourn

There being no further business, Council President Hughes

adjourned the Metro Council meeting at 3:00 p.m. The Metro Council will convene the next regular council meeting on July 27 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 JULY 20, 2017

ITEM	DOCUMENT TYPE	DOC DATE	DOCUMENT DESCRIPTION	DOCUMENT No.
2.0	Letter	07/20/17	Donna L. Cohen Letter to Metro Council regarding Portland Bureau of Transportation grant	072017c-01
3.1	PowerPoint	07/20/17	Elephant Lands	072017c-02
4.1	Minutes	07/20/17	Council Meeting Minutes from June 29, 2017	072017c-03