



Metro
600 NE Grand Ave.
Portland, OR 97232-2736

Council meeting agenda

Thursday, June 2, 2022

10:30 AM

<https://zoom.us/j/615079992> (Webinar ID:
615079992) or 929-205-6099 (toll free)

This Council Meeting will adjourn into an Executive Session

Please note: To limit the spread of COVID-19, Metro Regional Center is now closed to the public. This work session will be held electronically.

You can join the meeting on your computer or other device by using this link:
<https://zoom.us/j/615079992> (Webinar ID: 615079992) or 929-205-6099 (toll free)

If you wish to attend the meeting, but do not have the ability to attend by phone or computer, please contact the Legislative Coordinator at least 24 hours before the noticed meeting time by phone at 503-797-1916 or email at legislativecoordinator@oregonmetro.gov.

1. Call to Order and Roll Call

2. Public Communication

Public comment may be submitted in writing and will also be heard by electronic communication (videoconference or telephone). Written comments should be submitted electronically by emailing legislativecoordinator@oregonmetro.gov. Written comments received by 4pm the day before the meeting will be provided to the council prior to the meeting.

Those wishing to testify orally are encouraged to sign up in advance by either: (a) contacting the legislative coordinator by phone at 503-797-1916 and providing your name and the agenda item on which you wish to testify; or (b) registering by email by sending your name and the agenda item on which you wish to testify to legislativecoordinator@oregonmetro.gov. Those requesting to comment during the meeting can do so by using the "Raise Hand" feature in Zoom or emailing the legislative coordinator at legislativecoordinator@oregonmetro.gov. Individuals will have three minutes to testify unless otherwise stated at the meeting.

3. Consent Agenda

- 3.1 Consideration of the April 5, 2022 Council Meeting [22-5729](#)
Minutes
Attachments: [040522c Minutes](#)
- 3.2 Consideration of the April 14, 2022 Council Meeting [22-5730](#)
Minutes
Attachments: [041422c Minutes](#)

- 3.3 Resolution No. 22-5258, For the Purpose of Appointing New Member(s) to the Public Engagement Review Committee (PERC) [RES 22-5258](#)
Attachments: [Resolution No. 22-5258](#)
[Exhibit A](#)
[Staff Report](#)
- 3.4 Resolution No. 22-5257, For the Purpose of Creating and Appointing Members of the 82nd Avenue Transit Project Steering Committee [RES 22-5257](#)
Attachments: [Resolution 22-5257](#)
[Exhibit A](#)
[Exhibit B](#)
[Staff Report](#)
- 3.5 Resolution No. 22-5266, For the Purpose of Amending the 2021-26 Metropolitan Transportation Improvement Program (MTIP) to Cancel ODOT's OR224, SE17th Ave to Rainbow Campground, Safety Upgrade Project for Later Reprogramming in the 2024-27 STIP due to Funding Issues and Overlapping Scope Elements with the OR224 Riverside Fire Recovery Effort (MY22-12-MAY2) [RES 22-5266](#)
Attachments: [Resolution No. 22-5266](#)
[Exhibit A](#)
[Staff Report](#)
- 3.6 Resolution No. 22-5268 For the Purpose of Approving Salary Increases For The Metro Attorney and The Chief Operating Officer, Amending The Employment Agreement For Metro Attorney and Delegating Authority to The Metro Council President [RES 22-5268](#)
Attachments: [Resolution No. 22-5268](#)
[Staff Report](#)
[Attachment 1](#)

4. Resolutions

- 4.1 Resolution No. 22-5262, For the Purpose of Adopting the Annual Budget for Fiscal Year 2022-23, Making Appropriations and Levying Ad Valorem Taxes [RES 22-5262](#)

Presenter(s): Marissa Madrigal (she/her/ella)
Cinnamon Williams (she/her)

Attachments: [Resolution 22-5262](#)
[Staff Report](#)
[Attachment 1](#)

- 4.1.1 Public Hearings For Resolution No. 22-5262

5. Ordinances (First Reading and Public Hearing)

- 5.1 Ordinance No. 22-1479, For the Purpose of Annexing to the Metro District Boundary Approximately 11.06 Acres Located at 17433 SW Brookman Road in Sherwood [ORD 22-1479](#)

Presenter(s): Tim O'Brien (he/him), Metro

Attachments: [Ordinance No. 22-1479](#)
[Exhibit A](#)
[Staff Report](#)
[Attachment 1](#)

- 5.2 Ordinance No. 22-1480, For The Purpose Of Annexing To The Metro District Boundary Approximately 40.10 Acres Located At 13580 & 13794 SW Roy Rogers Road In Tigard [ORD 22-1480](#)

Presenter(s): Tim O'Brien (he/him), Metro

Attachments: [Ordinance No. 22-1480](#)
[Exhibit A](#)
[Staff Report](#)
[Attachment 1](#)

6. Ordinances (Second Reading and Vote)

- 6.1 Ordinance No. 22-1478, For The Purpose Of Amending Metro Code Chapter 5.05 To Clarify Metro's Landfill Capacity Policy And Make Housekeeping Updates [ORD 22-1478](#)

Attachments: [Ordinance No. 22-1478](#)
[Exhibit A](#)
[Staff Report](#)

7. Other Business

- 7.1 Notice of Funding Availability for Parks and Nature Bond [22-5724](#)
Large Scale Community Visions Program
- Presenter(s): Jon Blasher (he/him), Metro
Brian Moore (he/him), Metro
- Attachments: [Staff Report](#)
[Attachment 1](#)

8. Chief Operating Officer Communication**9. Councilor Communication****10. Adjourn into Executive Session**

The work session will be an Executive Session held pursuant under ORS 192.660(2) (f); To consider information or records that are exempt by law from public inspection, and ORS 192.660 (2) (h); To consult with counsel concerning the legal rights and duties of a public body.”

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លេខកូដ្ដូនដំណឹងអំពីការមិនរើសអើងរបស់ Metro

ការការពារសិទ្ធិពលរដ្ឋរបស់ ១ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានកម្មបណ្តឹងរើសអើងសូមចូលទស្សនាគេហទំព័រ www.oregonmetro.gov/civilrights។

លើគេហទំព័រគ្រូរកមនុស្សប្រកាសនៅពេលរដ្ឋប្រជុំសាធារណៈ សូមចូលសម្របលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃច្រើនការ) ប្រសិនបើ ថ្ងៃច្រើនការ មុនរដ្ឋប្រជុំដើម្បីអាចទទួលបានកម្មបណ្តឹងរើសអើងរបស់លោកមនុស្ស។

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Agenda Item No. 3.1

Consideration of the April 5, 2022 Council Meeting Minutes

Consent Agenda

Metro Council Meeting
Thursday, June 2nd, 2022

Metro

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



Metro

Minutes

Tuesday, April 5, 2022

10:30 AM

This Council Meeting will adjourn into a Council Work Session

**<https://zoom.us/j/615079992> (Webinar ID: 615079992) or
888-475-4499 (toll free)**

Council meeting

1. Call to Order and Roll Call

Present: 7 - Council President Lynn Peterson, Councilor Shirley Craddick, Councilor Christine Lewis, Councilor Juan Carlos Gonzalez, Councilor Mary Nolan, Councilor Gerritt Rosenthal, and Councilor Duncan Hwang

2. Public Communication

Council President Peterson opened the meeting to members of the public wanting to testify on a non-agenda items.

There were none.

3. Presentation

3.1 Proposed Budget Presentation

Council President Peterson introduced Marissa Madrigal, Brian Kennedy, and Brian Evans to present The Proposed Budget.

Staff pulled up the FY 2022-23 Proposed Budget Presentation to present to Council.

Marissa explain the budget process, budget message themes, budget environment, significant changes to the budget, office of the metro auditor’s budget, plans for moving the budget forward, and budget public hearings.

Staff pulled up the Office of the Metro Auditor FY 2022-23 Proposed Budget Presentation to present to Council.

Brian Evans explained what the Metro Auditor does, the office’s accomplishments for FY 2021-22, FY 2022-23 budget plans. He compared 2020-21, 21-2022, and the 2022-23 budgets while explaining changes. He ended the presentation with explaining future and current audits

underway.

Marissa highlighted important budget meetings and dates for councilors.

President Peterson asked Clerk Connor Ayers to read the resolution number. Connor Read the title resolution number 22-5252 for the purpose of approving the FY2022-202 budget. Setting property tax levies and transmitting the approved budget to the tax supervising and conservation commission.

Council President Peterson Closed the Metro Council Business meeting and reopened the meeting as the Metro Budget Committee.

Council Discussion

Councilor Lewis asked for clarification on how the Metro Auditor allocates funds and if there are any allocated for external contractors in the FY 2022-2023 budget.

Brian Evans explained 3-5 years ago they had a standing line item for external investigations but due to budget cut during COVID-19 it was eliminated. He further elaborated that historically the funds were not used and therefor that is why they were cut.

Councilor Lewis asked if there were any audits that they would like to do that they do not have internal capacity to fulfill.

Brian explained if this situation arose they would make a budget request or manage it internally.

Councilor Gonzalez asked how housing affordability is being

reflected in the budget.

Marissa emphasized this budget reflects full staffing for the housing bond in order to push projects through and extend funding to partners.

Councilor Gonzalez questioned how the budget cap placed on Supportive Housing Services administrative services was dealt with internally.

Staff assured this question can be answered in more depth during the Supportive Housing Services department budget presentation. Brian explained that the administrative cap did not include the tax collection cost, therefore the cost being proposed is well below the maximum of the 5% allowance included in the measure.

Councilor Gonzalez ask what kind of methodology the departments uses when measuring the equity of their budgets and how they are budgeting for incentives for things such as community engagement with advisory committees and removal of barriers for presentations.

Staff directed councilor Gonzalez to where he can find the proposed outcomes and metrics in the budget document and agreed to follow up about what incentives are being provided.

Councilor Nolan questioned if there will be public testimony at each departments budget presentation.

Marissa answered no, since the department budget presentations will be during Work Sessions, which do not have public testimony. She then explained there are multiple public hearings in the next two months where the public will have the opportunity to comment on any department's budget.

Councilor Nolan raised a concern that the public will not have more opportunities or enough time to question and comment on each department's budget presentations.

Marissa responded that anytime the council is sitting as the budget committee amendments can be proposed and assured that changes to the calendar can be made if the council feels like they would need to add additionally opportunities for public engagement.

Councilor Rosenthal asked if there is flexibility in the Climate Smart Strategy.

Marissa answered that the council can amend proposed budgets before approval and adoption but once it has been approved the budget cannot be increased more than 10%.

Councilor Rosenthal asked if the council will be given more clarification on the budget note process.

Marissa assured council that she will be providing them with additional information on the budget note process.

Councilor Hwang ask for a budget overview of the areas that have reserves and how resilient the agency is if there were to be a future down turn.

Brian answered Metro has revised all their budget reserve policies. This is in order to better prepare for potential future down turns.

Public hearing:

President Peterson opened the public hearing for resolution 22-5252

There were none.

President Peterson closed the public hearing on the budget for resolution 22-5252

4. Adjourn to Work Session

There being no further business, Council President Peterson adjourned the Metro Council Meeting at 11:30 a.m.

Respectfully submitted,

Brianna Dolbin

Brianna Dolbin , Legislative Assistant

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF APRIL 5, 2022

ITEM	DOCUMENT TYPE	DOC DATE	DOCUMENT DESCRIPTION	DOCUMENT No.
1.0	Powerpoint	4/5/2022	Auditor Budget Presentation FY2022-23	04521c-01
2.0	Powerpoint	4/5/2022	Proposed Budget Presentation FY23 Final	04521c-02
3.0	Testimony	4/5/2022	Disposal Fee Letter	04521c-03

Agenda Item No. 3.2

Consideration of the April 14, 2022 Council Meeting Minutes

Consent Agenda

Metro Council Meeting
Thursday, June 2nd, 2022

Metro

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



Metro

Minutes

Thursday, April 14, 2022

10:30 AM

**<https://zoom.us/j/615079992> (Webinar ID: 615079992) or
888-475-4499 (toll free)**

Council meeting

1. Call to Order and Roll Call

Council President Peterson called the Metro Council Meeting to order at 10:16 a.m. **Councilors Nolan, Hwang, and Rosenthal** were not present when roll was called.

2. Public Communication

Council President Peterson opened the meeting to members of the public wanting to testify on a non-agenda items.

Paul Savas testified regarding the I-205 Tolling plans. They believe ODOT's timeline is overly optimistic, and are concerned that the plan lacks measures to address increased commuter diversion caused by tolling.

Chris Peterson testified in support of an investment grade analysis of the IBRP earlier in its project timeline, in order to determine the factors that will limit traffic. They also testified in support of preserving the natural ecology of West Hayden Island.

Stacey Wayneright requested that Council sign a safety request to Washington County, to bring 2018 Metro RTP Project ID 11581 up to county roadway standards.

Christa McDermott testified regarding WPES' recent budget presentation, in support of modernizing its recycling facilities and special considerations for the informal waste management work force.

Seeing no further discussion on the topic, Council President Peterson moved on to the next agenda item.

3. Presentations

- 3.1 Budget Committee Meeting- Council Deliberation on Proposed Budget; Discussion of Questions and Budget Committee Changes

[Council President Peterson called on [Marissa Madrigal]

[she/her/ella], Metro Chief Operating Officer, and Brian Kennedy he/him], Metro Chief Financial Officer to present to Council.

Staff pulled up the [*FY 2023 Proposed Budget Council Deliberation and Public Hearing*] to present to Council. Staff provided Council with an overview of the budget presentations that have been presented. Each presentation included three main topics: the strategic framework, equity outcomes and metrics, and major new investments/changes to the budget.

Council Discussion:

Councilor Nolan asked if the budget for Supportive Housing Services included funds for conducting regular censuses of homeless populations.

Marissa did not have the answer at the time, and promised to follow up with Councilor Nolan at a later time.

Councilor Craddick asked about Staff's plans to modernize WPES' facilities.

Marissa acknowledged Councilor Craddick's question, and recommended that the topic be discussed in more detail at a future work session.

Councilor Rosenthal asked whether WPES and Parks & Nature had enough staff to meet their FY 23 goals and facilities plans, and specifically mentioned the Cornelius facilities. They also asked how the proposed budget

accounts for the Atlantic Cove project.

Marissa explained that WPES is fully staffed and capable of implementing its facilities plan, including Cornelius. Paul explained that the Atlantic Cove project currently has staffing, and is underway. Council had previously allotted \$10 million to the project and, if more is required, staff would facilitate future discussions around acquiring more funding.

Councilor Hwang asked if the additional 1 FTE in the Parks & Nature budget and 1 FTE in the GAPD budget is enough to meet Metro's goals of increasing outreach and collaboration with Tribal Governments, and what that collaboration will look like.

Marissa invited **Katie McDonald** to talk about Parks and GAPD's joint efforts to increase engagement with Tribal Governments. Katie explained that both departments would designate specific Tribal liaisons, with plans to add more similar positions in future budget years.

3.1.1 Public hearing

Seeing no further discussion on the topic, Council President Peterson opened the public hearing on the proposed budget.

There was no public testimony.

4. Consent Agenda

A motion was made by Councilor Craddick, seconded by Councilor Lewis, that this was approved as amended. The motion carried by the following vote:

Yes: 7 -

Council President Peterson, Councilor Craddick, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, Councilor Rosenthal, and Councilor Hwang

- 4.1 Consideration of the January 6, 2022 Council Meeting Minutes
- 4.2 Consideration of the March 31, 2022 Council Meeting Minutes
- 4.3 Consideration of the March 31, 2022 Council Work Session Minutes
- 4.4 Resolution No. 22-5251, For the Purpose of Amending Existing or Adding to the 2021-26 Metropolitan Improvement Program (MTIP) Nine Projects in Support of Completing Various Federal Delivery Requirements (MA22-09-MAR)

5. Resolutions

- 5.1 Resolution No. 22-5250, For the Purpose of Approving Acquisition Target Area Refinement Plans for the 2019 Parks and Nature Bond Measure

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

Yes: 7 - Council President Peterson, Councilor Craddick, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, Councilor Rosenthal, and Councilor Hwang

6. Ordinances (First Reading and Public Hearing)

- 6.1 Ordinance No. 22-1477, For the Purpose of Amending Metro Code Chapter 2.19.150 to clarify the purpose and membership information of the investment advisory board

Assigned to Council; second reading scheduled for April 21, 2022

7. Ordinances (Second Reading and Vote)

- 7.1 Ordinance No. 22-1476, For the Purpose of Annexing to the Metro District boundary approximately 8.16 acres located at 25190 SW Grahams Ferry Road, Wilsonville

Council President Peterson stated that the first reading and public hearing for **Ordinance No. 22-1476** took place on Thursday, November 7.

Council President Peterson called on [Margi Bradway] [she/her], Metro Deputy Director of Planning, to present to Council.

Staff pulled up the [*I-205 Toll Project (PE Phase) RTP Amendment: JPACT and MPAC Recommendation to the Metro Council*] to present to Council.

Margi provided an overview of the RTP Amendment process, JPACT's recommendation to Council, and MPAC's recommendation to Council.

Councilor Nolan referred back to a suggestion they made regarding tolling on I-5 and I-205. They also acknowledged that ODOT seeks FHWA authority to toll the VPP and not under Section 129.

Council President Peterson called on [Della Mosier] [she/her], ODOT, and Mandy Putney [she/her], ODOT, to present to Council.

Staff pulled up the [*I-205 Toll Project: Regional Transportation Plan (RTP) Amendment*] to present to Council

The ODOT Presenters outlined their past work with regional stakeholders, ODOT's commitment to regional partners, and a brief timeline of the tolling project.

Councilor Hwang wanted assurance that ODOT's commitment to equity included a low-income mitigation program. He also reiterated his hope that communication between regional partners is timely.

Mandy explained that ODOT's Equity and Mobility Advisory Committee plans to submit legislation to the legislature in September. That legislation is the foundation for their equity and low-income mitigation strategy. She also offered to come back and present regarding JPACT and MPAC's role in

the tolling project.

Margi added that communication with OTC and ODOT should be seen in conjunction with JPACT and MPAC, not just Council.

Councilor Lewis asked two questions: Are we still on track to meet the July window, despite cost over runs? Regarding ODOT's commitment to enhancing the connection between the RMPP and I-205 Toll Project, how realistic is the 1 year window gap?

Regarding Councilor Lewis' first question, Della explained that extreme steps have been taken to keep the project going and accommodate the Metro processes. She also explained that they also hope to accelerate the RMPP and I-205 project. She believes that ODOT's 6 new commitments will help strengthen inter-governmental relations and speed things up.

Councilor Rosenthal had multiple comments and questions:

- They remained unconvinced that the \$30 million is necessary to complete the project. They also believed that ODOT's goals and commitments were closer to the RTP's.
- When will Council get traffic projections that show how much congestion mitigation the added lanes and bridge will provide?
- When will Council get estimates for the costs of construction?

Mandy answered that they are currently going through the process of looking at the congestion impacts of the project, and will submit a draft report for review by this summer. They will also have additional traffic and revenue analyses, which will also be available this summer.

Councilor Gonzalez acknowledged the hard work of ODOT staff, and asked what the user experience on the I-205 in 2030 will be like.

Della explained that tolling on the I-205 would be used to generate revenue and mitigate congestion. They plan to utilize variable rate pricing for the I-205 and RMPP. Put more simply, ODOT staff used the phrase, "you pay for the trip you take."

Councilor Craddick expressed her desire to see more specificity regarding ODOT's 6 commitments, and worries that they do not reflect all of Council's questions and concerns. She emphasized that she expects stronger words and commitments.

Margi acknowledged that many discussions with OTC and ODOT that need to occur. Staff will report to Council again next week.

Councilor Rosenthal asked if Staff has considered tolling for 217 and 26, through the tunnel.

Mandy explained that they are currently looking at I-5 and I-205, and tolling for 217 and 26 is not currently within the scope of this project.

A motion was made by Councilor Craddick, seconded by Councilor Lewis, that this item be postponed until the April 21, 2022 Council meeting. The motion passed by the following vote:

Yes: 7 - Council President Peterson, Councilor Craddick, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, Councilor Rosenthal, and Councilor Hwang

- 7.2 Ordinance No. 21-1467, For the Purpose of Amending the 2018 Regional Transportation Plan to Include the Preliminary Engineering Phase of the I-205 Toll Project, and to Clarify the Financial Connection of the I-205 Toll Project to the I-205 Improvement Project

A motion was made by Councilor Craddick, seconded by Councilor Lewis, that this item be postponed until the April 21, 2022 Council meeting. The motion passed by the following vote:

Yes: 7 - Council President Peterson, Councilor Craddick, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, Councilor Rosenthal, and Councilor Hwang

8. Resolutions

- 8.1 Resolution No. 22-5234, For the Purpose of Amending the 2021-2026 Metropolitan Improvement Program (MTIP) to Add the Preliminary Engineering Phase for ODOT's I-205 Tolling Project Allowing NEPA and Design Activities to Begin (JA22-06-JAN1)

Minutes

Council meeting

April 14, 2022

A motion was made by Councilor Craddick, seconded by Councilor Lewis, that this item be postponed until the April 21, 2022 Council meeting. The motion passed by the following vote:

Yes: 7 -

Council President Peterson, Councilor Craddick, Councilor Lewis, Councilor Gonzalez, Councilor Nolan, Councilor Rosenthal, and Councilor Hwang

9. Chief Operating Officer Communications

Marissa Madrigal provided an update on the following events or items:

- COO Marissa Madrigal updated Council on her “Best Practices Trip” to Nashville, TN.

10. Councilor Communication

Deputy Council President Lewis postponed Council Communications until the next Council meeting.

11. Adjourn

There being no further business, Deputy Council President Lewis adjourned the Metro Council Meeting at 1:32 p.m.

PLEASE NOTE: Official copies of legislation will be available in electronic format via format via [Metro Online Records](#). For assistance, please contact Becky Shoemaker, Metro Records Officer at ext. 1740.

Minutes

Council meeting

April 14, 2022

Respectfully submitted,

Nathan Kim, Legislative Assistant

Agenda Item No. 3.3

**Resolution No. 22-5258, For the Purpose of Appointing New Member(s) to the Public
Engagement Review Committee (PERC)**

Consent Agenda

Metro Council Meeting
Thursday, June 2nd, 2022

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPOINTING NEW MEMBERS TO THE PUBLIC ENGAGEMENT REVIEW COMMITTEE) RESOLUTION NO. 22-5258) Introduced by Chief Operating Officer Marissa Madrigal in concurrence with Council President Lynn Peterson

WHEREAS, in furtherance of Metro’s Principles of Citizen Involvement, set forth in Resolution No. 97-2433, adopted January 23, 1997, and Ordinance No. 12-1294 amending Metro Code Chapter 2.19.030, the Metro Council established an Advisory Committee known as the Public Engagement Review Committee (PERC) to advise the Metro Council on the development and maintenance of programs and procedures to aid communication between the public and the Metro Council; and

WHEREAS, by a fair and open process, Metro has recruited applicants for PERC and the Metro Council President has appointed selected applicants consisting of members of the public, representatives of community organizations, and public involvement staff from local jurisdictions; and

WHEREAS, Metro Code Chapter 2.19.030 requires that the Metro Council confirm appointments made by the Council President to Metro’s Advisory Committees; and now therefore

BE IT RESOLVED that:

(a) the following appointments by the Metro Council President are hereby confirmed;

New community organization representatives from the region:

- Alisa Kajikawa, APANO
• Diana Moreno, Hispanic Metropolitan Chamber

Replacement for a current community organization representative:

- Jennifer Parrish Taylor, Urban League of Portland

Replacement for the Multnomah County representative:

- Dani Bernstein

(b) each new community organization member’s term will run from June 2022 through December 2025;

(c) staff will begin recruitment to fill PERC vacancies caused by any expiring terms starting fall 2022, working toward new appointments by December 2022.

ADOPTED by the Metro Council this 2nd day of June, 2022.

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

Office of the Chief Operating Officer and Department of County Management



Chief Operating Officer and DCM Director

May 19, 2022

Lynn Peterson
Metro Council President
600 NE Grand Avenue
Portland, OR 97232

Council President Peterson:

On behalf of Multnomah County, I am writing to appoint Dani Bernstein, Director of the Office of Community Involvement, to serve as Multnomah County's staff representative on Metro's Public Engagement Review Committee (PERC).

With the retirement of Mike Pullen, who represented Multnomah County on the PERC for the past eight years, we are pleased to appoint Dani in his stead. Dani is the Director of Multnomah County's Office of Community Involvement, which works to facilitate communication between the community and county leadership, and supports community involvement in county decision-making. Before joining Multnomah County, Dani served as the Acting Executive Director of the Equity Foundation, a local LGBTQ community foundation, and has previously worked for LGBTQ advocacy campaigns and a youth civic engagement non-profit.

Thank you for continuing to welcome Multnomah County to participate in the PERC, which provides the Metro region's counties with an opportunity to review and make recommendations on Metro's engagement strategies and priorities.

Sincerely,

A handwritten signature in black ink that reads "Serena Cruz".

Serena Cruz
Multnomah County, Chief Operating Officer

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 22-5258, FOR THE PURPOSE OF APPOINTING NEW MEMBERS TO THE PUBLIC ENGAGEMENT REVIEW COMMITTEE

Date: May 17, 2022

Prepared by: Giyen Kim, 503-312-6294

BACKGROUND

Metro's Public Engagement Review Committee (PERC) convenes a minimum of two times per year and consists of at-large community members, representatives from three community organizations and public involvement staff from Clackamas, Multnomah and Washington Counties.

The PERC serves as a key component of Metro's ongoing efforts to develop and implement broad, inclusive, informed and effective public engagement processes. Committee members are appointed to three-year terms on a rotating schedule.

The PERC bylaws call for at least three at-large community members and at least three representatives from a community organization. Terms for two representatives from a community organization have expired. In addition, Multnomah County's previous PERC appointee retired.

RECRUITMENT PROCESS

As a result of the pandemic and the resulting staff reductions, PERC activity slowed in 2020 – 2021. In early 2022, the Communications Department reinitiated conversations with PERC members, which led staff to recommend an ad hoc spring recruitment for two community organization members to bring PERC membership into alignment with the bylaws. In addition, we requested replacement appointee from Multnomah County and received a replacement representative for the Urban League of Portland due to staff transitions. This would bring the membership to five at-large community members, three representatives of community organizations, and three county representatives. As needed, staff intend on resuming a fall/winter recruitment cycle to address any vacancies due to term expirations at the end of the year.

Staff opened an application process in March and conducted targeted outreach to community stakeholders and jurisdictions to recruit committee applicants with public involvement experience, strong community connections, and a diverse geographic and demographic representation.

Staff received nine applications, two community based organizations and seven at-large, with representation from the tri-county area. The review panel are recommending the appointment of two community organization applicants who meet the following criteria:

- a commitment to community engagement
- demonstrated skills, knowledge or experience that apply to principles of citizen involvement adopted by Metro
- experience working with underrepresented communities.

After consulting the application review panel, the Metro Council President has appointed the following individuals to PERC for terms that expire in 2025: Alisa Kajikawa, APANO and Diana Moreno,

Hispanic Metropolitan Chamber. In addition, Metro accepts the appointment of Dani Bernstein, the Multnomah County representative, and Jennifer Parrish Taylor, the selected replacement of Urban League of Portland.

ANALYSIS/INFORMATION

1. **Known Opposition** None
2. **Legal Antecedents** Resolution No. 97-2433 establishing Metro's Principles of Citizen Involvement: Metro Code Chapter 2.19.030; and Ordinance No. 12-1294 amending Metro Code Chapter 2.19.030.
3. **Anticipated Effects** The appointments to the PERC will allow Metro to more successfully engage communities with Metro's initiatives, improve public engagement practices, and prioritize projects for public outreach.
4. **Budget Impacts** No budget impacts. Program needs are accounted for in existing staff resources and accessing Communications M&S included in the FY 2021-2022 budget.

RECOMMENDED ACTION

Confirm appointment of two new community organization representatives:

- Alisa Kajikawa, APANO (2022 – 2025)
- Diana Moreno, Hispanic Metropolitan Chamber (2022 – 2025)

Confirm appointment of a replacement community organization representative:

- Jennifer Parrish Taylor, Urban League of Portland (term ends 2022)

Confirm appointment of the Multnomah County representative:

- Dani Bernstein (no expiration)

ATTACHMENTS

Exhibit A: Letter from Multnomah County appointing new PERC representative.

Agenda Item No. 3.4

**Resolution No. 22-5257, For the Purpose of forming an 82nd Avenue Transit Steering
Committee**

Consent Agenda

Metro Council Meeting
Thursday, June 2nd, 2022

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CREATING AND) RESOLUTION NO. 22-5257
APPOINTING MEMBERS OF THE 82ND)
AVENUE TRANSIT PROJECT STEERING) Introduced by Chief Operating Officer
COMMITTEE) Marissa Madrigal in concurrence with
) Council President Lynn Peterson

WHEREAS, Metro’s adopted long-range blueprint for the region, the 2040 Growth Concept, reflects a commitment to create prosperous and sustainable communities for present and future generations and guides the region’s land use and transportation development in alignment with it; and

WHEREAS, the Regional Transportation Plan (RTP) is a central tool for implementing the 2040 Growth Concept and emphasizes outcomes, system completeness and measurable performance in order to realize adopted land use plans, and hold the region accountable for making progress toward regional goals focused on climate, equity, safety and congestion; and

WHEREAS, the 2018 RTP identifies the 82nd Avenue Corridor as a future Enhanced Transit Corridor on the 2027 Constrained project list; and

WHEREAS, Metro's Transportation Funding Task Force also designated the 82nd Avenue Corridor as a Tier 1 priority in their 2019 Recommendation for Corridor Investments and underscored the need to complete corridor planning to facilitate longer-term corridor investments; and

WHEREAS, this corridor has higher than average regional population of communities of color and people living below the poverty line; and

WHEREAS, TriMet’s Line 72 bus on 82nd Avenue is the highest ridership bus line in the TriMet system and its daily boardings exceed the number of boardings on two of TriMet’s six light rail lines; and

WHEREAS, current transit service within the corridor experiences significant delay and travel time costs for transit dependent riders; and

WHEREAS, 82nd Avenue was identified as a High Injury Corridor in the 2017 High Injury Corridors and Intersections Report and there were 196 serious injuries and fatalities on this corridor between 2007 and 2017; and

WHEREAS, the City of Portland and the Oregon Department of Transportation has transferred the portion of 82nd Avenue between Clatsop Street and Killingsworth Street from State to City ownership, and the City of Portland will begin investing in safety and maintenance on 82nd Avenue and developing a plan to envision this part of the corridor; and

WHEREAS, the establishment of a Steering Committee will contribute valuable guidance toward completion and adoption of a preferred alternative for bus rapid transit on the 82nd Avenue Corridor; and

WHEREAS, an 82nd Avenue Equitable Development Strategy will be written and produced by the local community and the Steering Committee membership will review and support the Strategy’s production and acknowledge the Equitable Development Strategy upon completion; and

WHEREAS, Steering Committee membership should include elected officials, representatives of project partner agencies and community members creating an Equitable Development Strategy; and

WHEREAS, the Metro Councilors from District 2 and District 6 will serve as the Steering Committee co-Chairs; and

WHEREAS, it is expected that the Steering Committee will be needed for approximately 18 months; now therefore,

BE IT RESOLVED that the Metro Council hereby:

1. Establishes the 82nd Avenue Transit Project Steering Committee to fulfill the charge set forth in Exhibit A; and
2. Designates the represented positions listed in Exhibit B and requests that those organizations appoint their representative members to serve on the 82nd Avenue Transit Project Steering Committee; and
3. Directs the 82nd Avenue Transit Project Steering Committee to meet at project milestones, with administrative and technical support from Metro staff; and
4. Appoints Steering Committee members for a one-year term, which shall be automatically renewed for an additional term unless expressly terminated, but not to exceed three years; and
5. If a Steering Committee member steps down or can no longer serve as an appointed representative prior to the end of a term, the organization shall appoint a new member.

ADOPTED by the Metro Council this ____ day of June 2022.

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

82nd Avenue Transit Project Steering Committee – DRAFT Charter

Steering Committee overview

Metro Council will establish a Steering Committee to ensure the 82nd Avenue Transit Project develops a transit design that has community support and can be implemented.

The Steering Committee will make decisions on project milestones and recommend a locally preferred alternative to the adopting bodies. The Steering Committee is anticipated to meet approximately ten times between July 2022 and August 2023. Members will be informed of public input and technical findings in advance of each meeting. The Steering Committee will include elected officials, agency executives and members of the 82nd Avenue Equity Coalition.

The project will be informed by a robust community engagement process that is built upon the extensive engagement and analysis that has already occurred in the corridor. Meaningful public input opportunities will precede the decisions Steering Committee members will be asked to make. Decision-makers will be provided with this input in advance so that they are aware of community needs and desires. Of particular importance will be the involvement of low income and minority populations and people that rely on transit to meet their daily needs.

A technical work group comprised of jurisdictional staff will guide the planning process. The project team will lead the technical analysis and public engagement. The project team will meet regularly to direct, inform, manage, and assess the work. The project team will provide information and recommendations to the Steering Committee. Project partners include the City of Portland, Clackamas County, the Oregon Department of Transportation, TriMet, Multnomah County and Metro. The Port of Portland will participate as part of the technical working group, but will not participate in the Steering Committee.

Steering Committee charge

The Steering Committee is charged with recommending a locally preferred alternative for high capacity transit in the 82nd Avenue corridor by the end of June 2023.

They may also be interested in the process to develop the Equitable Development Strategy (EDS) in the 82nd Avenue corridor, but their approval or involvement is not required. They will also need to be aware of and coordinate with City of Portland project work around jurisdictional transfer of seven miles of the corridor, and any other major considerations for the other jurisdictions. The Steering Committee will receive updates through the EDS development and the City of Portland efforts and share feedback. The charge of the committee is as follows.

- **Represent the community:** Provide information to and from constituents/community members, and represent their perspectives, concerns and priorities.
- **Advance the project through key decision points:** Follow decision-making protocols as established by the committee to make key decisions that include:
 - Establish a purpose and need statement and goals for the project
 - Advance a range of transit alternatives for analysis and community consideration

- Narrow for further consideration the transit alternatives that best meet the project's goals and community needs
- Concur on a transit alternative to advance as a locally preferred alternative
- **Recommend a Locally Preferred Alternative (LPA):** Follow decision-making protocols as established by the committee to develop, refine and agree to an action plan (including phasing and funding for physical improvements and commitments and timeframe for implementing land use and related policy changes) for the plan area to the project participants, as appropriate.

Steering Committee member roles and responsibilities:

- Advocate for and participate in the public process.
- Follow decision-making agreements established by Steering Committee members.
- Prepare for and attend periodic meetings between summer 2022 and summer 2023, depending on project outcomes. Send an alternate if unable to attend. If a Steering Committee member cannot continue to serve, that member's agency will identify a replacement.
- Provide information to the community. Use channels of communication for your community to inform on the project, through meetings, events, newsletters. Be a conduit for the project team to be invited to meetings and events. Request and review information from the project team so that it communicates project information to your community.
- Create an atmosphere in which issues can be raised, discussed, and melded into group decisions, one where divergent views and opinions are expected and respected.
- Notify the project team of any media inquiries and refer requests for official statements or viewpoints to Metro. Steering Committee members will speak to the media about the project only on their own behalf, not on behalf of the group.

Contact information

Elizabeth Mros-O'Hara, Project manager
elizabeth.mros-ohra@oregonmetro.gov

Christine Lewis, Metro Council, District 2
christine.lewis1@oregonmetro.gov

Duncan Hwang, Metro Council District 6
duncan.hwang@oregonmetro.gov

EXHIBIT B TO RESOLUTION NO. 22-5257

Members of the 82nd Avenue Transit Project Steering Committee

Metro: District 2 Councilor and District 6 Councilor

City of Portland

Clackamas County

Oregon Department of Transportation

Oregon State Legislature

TriMet

Multnomah County

Equitable Development Coalition: up to four members including at least one member representing small business interests

82ND AVENUE TRANSIT PROJECT PRESENTATION

Date: May 26, 2022
Department: Planning, Development and
Research
Meeting Date: June 2, 2022

Prepared by: Elizabeth Mros-O'Hara
elizabeth.mros-ohara@oregonmetro.gov
Presenter(s): Malu Wilkinson (she/her),
Metro, and Jamie Snook (she/her), TriMet
Length: 20 minutes

ISSUE STATEMENT

The purpose of the 82nd Avenue Transit Project is to improve transit mobility, reliability, travel times, safety, and access in one of the most important transit corridors in the region for residents, employees, and visitors, in particular, communities of color and low-income communities who have historically lacked access to quality public transit in the region.

ACTION REQUESTED

Metro Council is asked to consider a resolution creating a Steering Committee to guide the project toward the identification of a preferred transit design for the 82nd Avenue Corridor. It is anticipated that JPACT and Metro Council will be asked to consider adopting a locally preferred transit alternative into the Regional Transportation Plan (RTP) in the second half of 2023.

The Steering Committee will include representatives from each jurisdiction along the corridor and members of the Equitable Development Coalition (yet to be formed). The Equitable Development Coalition will lead the development of an equitable development strategy for the corridor.

Steering Committee membership includes:

- Metro District 2 Councilor and District 6 Councilor
- City of Portland
- Clackamas County
- Oregon Department of Transportation
- Oregon Legislature Representative
- TriMet
- Multnomah County
- Up to four members of the Equitable Development Coalition (to be created by staff)

IDENTIFIED POLICY OUTCOMES

The RTP and the 2018 Regional Transit Strategy identify 82nd Avenue as a future Enhanced Transit Corridor on the 2027 Financially Constrained project list with the potential for a higher level transit improvement.

Metro's Transportation Funding Task Force designated 82nd Avenue as a Tier 1 priority in their 2019 Recommendation for Corridor Investments and underscored the need to complete corridor planning to facilitate longer term corridor investments.

POLICY QUESTION(S)

The proposed 82nd Avenue Transit Project Steering Committee includes elected and community representatives together at the decision making table. Does Council have any concerns about this approach?

Does Council have questions about the Steering Committee role?

STAFF RECOMMENDATIONS

Staff recommends Council consider approving Resolution No. 22-5257 creating and appointing the members of the 82nd Avenue Transit Project Steering Committee to guide the development of a preferred transit alternative to support the needs of people who live, work and study along the 82nd Avenue.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

- How is this related to Metro's Strategic Plan (to be developed in 2019) or Core Mission?
This project is a collaboration between Metro, community and jurisdictional partners to implement regional priorities articulated in Metro's guiding policy plans including the 2018 Regional Transportation Plan. Corridor planning is central to Metro's core mission in land use and planning for the region's public transit system.
- How does this advance Metro's racial equity goals?
This project advances two of the five strategic goals in Metro's Strategic plan to advance racial equity, diversity and inclusion.

Goal A: Metro convenes and supports regional partners to advance racial equity
This project is a collaboration of regional partners focused on their mutual interest in the betterment of this important regional corridor.

Transit in the 82nd Avenue corridor currently experiences significant delay, which is very costly for the high number of transit-dependent riders. The delay disproportionately impacts people of color and low income people who make up a higher percentage of the residents in the corridor than in other parts of the region. In comparison to the Portland Metropolitan region, communities in the corridor have above average concentrations of low-income populations, people of color, and low car ownership.

Goal B: Metro meaningfully engages communities of color

Community members will lead the Equitable Development Strategy creation for this corridor. Metro will work with partners to create an Equitable Development Coalition for the 82nd Avenue Corridor, comprised of advocates, community representatives, funders, housing and service providers authoring their own plans for addressing corridor needs. This important aspect of the project will ensure that broader community economic and housing development needs are prioritized in the transit project's corridor. The transit project will serve these catchment areas but will not be able to provide for all the needs the community will identify. The final transit design concept will reflect input from the community, both from engagement and through the input of the community members that will be leaders of the project on the 82nd Avenue Transit Project Steering Committee.

- How does this advance Metro's climate action goals?
This project will support two policy areas in Metro's Climate Smart Strategy.

The project will implement adopted local and regional land use plans by implementing policies from the Regional Transportation Plan, which helps to implement the 2040 Growth Concept and the Regional Framework Plan.

Also, by improving the travel experience and efficiency of a highly used transit line, this project will make transit convenient, frequent, accessible and affordable.

- Known Opposition/Support/Community Feedback
There is significant support from the agencies and local jurisdictions involved in this project. Metro's partners on this work include TriMet, ODOT, the City of Portland, Clackamas County, Multnomah County, and the Port of Portland.

Past planning and visioning projects in the corridor indicate that the community values safe, reliable, faster, and accessible transit.

- Explicit list of stakeholder groups and individuals who have been involved in policy development.
Participating jurisdictions were consulted on the formation of the 82nd Avenue Transit Project Steering Committee, its role and their agency's participation in the group. The reception has been positive and participation is expected to be robust.

Metro staff is also in discussions with community-based organizations about the Equitable Development Strategy, the Equitable Development Coalition (yet to be formed) and participation of coalition members in the Steering Committee.

- Legal Antecedents
The creation of the Steering Committee is consistent with Metro Code 2.19.060 (Task Forces) and 2.19.040 (Advisory Committee Purpose and Authority Resolution).

Resolution No. 18-1421, For the Purpose of Amending the 2014 Regional Transportation Plan to Comply with Federal and State Law and Amending the Regional Framework Plan (December 6, 2018).

Resolution No. 18-4892, For the Purpose of Adopting the 2018 Regional Transit Strategy and Replacing the 2009 High Capacity Transit System Plan (December 6, 2018).

Resolution No. 21-5165, Governance and Policy - Governance Management - Metro Council Ordinances, Resolutions, Orders, and Indices - 21-5165: For the Purpose of Adopting the Fiscal Year 2021-22 Unified Planning Work Program and Certifying That the Portland Metropolitan Area is in Compliance with Federal Transportation Planning Requirements.

- **Anticipated Effects**
The 82nd Avenue Transit Project Steering Committee will contribute valuable guidance toward completion and adoption of a transit locally preferred alternative conceptual design. The Steering Committee will meet throughout the project's life at key milestones and offer a recommendation(s) to JPACT and Metro Council.
- **Financial Implications (current year and ongoing)**
Funding for the transit planning and equitable development work is funded within planned department resources. Metro also applied for a grant from the Federal Transit Administration in August 2021 to further support this work.

BACKGROUND

This project will provide the public transit components of initial corridor planning for the 82nd Avenue Corridor located in Clackamas County and Multnomah County. The corridor passes through the City of Portland and unincorporated areas of Clackamas County and includes the Clackamas Regional Center and the Lents Town Center. The corridor also serves seven census tracts that are identified as areas of persistent poverty by the U.S. Department of Transportation.

The 82nd Avenue Transit Project will provide transit improvements between Clackamas Town Center and a terminus to the north yet to be defined. The corridor is currently served by TriMet's Line 72 running between Clackamas Town Center and Killingsworth on 82nd Avenue before heading west to Swan Island. Line 72 is the highest ridership bus line in the entire TriMet system with higher ridership than two MAX lines, yet it is subject to frequent delay making it difficult for riders to get to their destinations on time. The line provides a crucial crosstown trunk with frequent service and connections to major transfer points like the Clackamas Town Center park and ride, SE 82nd and Division Street, and the 82nd

Avenue MAX station. The line not only connects major destinations like the Clackamas Town Center, Portland Community College, McDaniel High School, the Montavilla Community Center, and well as many restaurants and shops; it serves many essential neighborhoods, low income areas, and some of the most racially-diverse portions of the region.

The corridor was once the major north-south highway for the region before the Interstate 205 was opened just ten blocks to the east in 1983. Since then, the throughway function of 82nd Avenue was diminished, but its importance as a transit and pedestrian corridor has grown. The roadway continues to carry significant freight and auto traffic, as well as buses, pedestrians, and bicycles. Recognition of this change has led to a desire to transfer the jurisdiction of the roadway from ODOT to the City of Portland to reflect its more urban function. The roadway is recognized as a high injury corridor with many serious crashes, including pedestrian fatalities. Of the 181 high injury corridors identified in the 2018 RTP, 82nd Avenue had the 10th highest number of serious crashes per mile.

The 82nd Avenue Transit Project will need to be closely coordinated with other planned investments to improve safety and access in Portland and Clackamas County, as well as reflecting community desires. In particular, the 82nd Ave Transit Project must be closely coordinated with the City of Portland's Building a Better 82nd Avenue project, which is focusing critical near-term investments and longer term planning on the area between SE Clatsop Street and NE Killingsworth Street where the City of Portland is taking over the jurisdiction of the roadway from ODOT as of June 1, 2022. The jurisdictional transfer is resulting in a major investment (\$185 million) in the corridor and provides an opportunity to rethink how 82nd Avenue functions on a seven-mile stretch through Portland.

The 82nd Avenue Transit Project will also need to be heavily coordinated with a parallel and related Equitable Development Strategy which is just getting underway. The Equitable Development Strategy will be a community-led effort to identify community priorities in the corridor besides transit and develop strategies to implement them.

The 82nd Avenue corridor has seen significant engagement and transit analysis over the last ten years. Consequently, the project will build on past community feedback and technical planning work for transit in the corridor. While needing to confirm past efforts and ensure comprehensive engagement where it may have been missed, the project team can build on the momentum from past analysis and community engagement. Consequently, the 82nd Avenue Transit Project anticipates being able to arrive at a transit solution in mid-2023 with a Locally Preferred Alternative defining the bus route, termini, general station locations, location and extent of laneway transit priority treatments, frequency of service, and likely transit network changes to improve the system connectivity.

Improving the performance of transit service throughout this corridor with a focus on providing equitable economic and housing development support through transit investments allows the region to achieve key strategies, goals and outcomes of the Regional Transportation Plan.

ATTACHMENTS

Resolution No. 22-5257

Exhibit A

Exhibit B

Agenda Item No. 3.5

Resolution No. 22-5266, For the Purpose of Amending the 2021-26 Metropolitan Transportation Improvement Program (MTIP) to Cancel ODOT's OR224, SE17th Ave to Rainbow Campground, Safety Upgrade Project for Later Reprogramming in the 2024-27 STIP due to Funding Issues and Overlapping Scope Elements with the OR224 Riverside Fire Recovery Effort (MY22-12-MAY2)

Consent Agenda

Metro Council Meeting
Thursday, June 2nd, 2022

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE 2021-26 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO CANCEL ODOT'S OR224, SE 17th AVE TO RAINBOW CAMPGROUND SAFETY UPGRADE PROJECT DUE TO POTENTIAL DELIVERY ISSUES AND OVERLAPPING SCOPE ELEMENTS WITH THE OR224 RIVERSIDE FIRE RECOVERY EFFORT (MY22-12-MAY2)) RESOLUTION NO. 22-5266
Introduced by: Chief Operating Officer Marissa Madrigal in concurrence with Council President Lynn Peterson

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

WHEREAS, the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council approved the 2021-24 MTIP via Resolution 20-5110 on July 23, 2020; and

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

WHEREAS, the U.S. Department of Transportation (USDOT) has issued clarified MTIP amendment submission rules and definitions for MTIP formal amendments and administrative modifications that both ODOT and all Oregon MPOs must adhere to which includes that all new projects added to the MTIP must complete the formal amendment process; and

WHEREAS, ODOT's has planned a safety upgrade project to begin in FFY 2022 along OR 224 from Milwaukie to Rainbow Campground which will provide safety improvements including signs, stop bars, rumble strips, signals, reflectorized back plates and lighting to increase safety on this section of highway; and

WHEREAS, due to the Riverside Fire and Wildfire Recovery Effort ODOT needs to now cancel the project from the current MTIP and STIP; and

WHEREAS, the OR224, SE 17th Ave to Rainbow Campground safety upgrade project in Key 21612 is now facing funding issues to delivery as programmed; and

WHEREAS, the OR224 Wildfire Recovery Effort also contains overlapping scope elements now completed which complicate delivery of the OR224, SE 17th Ave to Rainbow Campground safety upgrade project; and

WHEREAS, ODOT will pursue a Federal Land Access Program (FLAP) grant with the U.S. Forestry Service to develop a OR224 Corridor Master Plan which will include a traffic safety infrastructure providing recommendations for needed safety upgrades; and

WHEREAS, existing committed Highway Safety Improvement Program (HSIP) funding from the OR224, SE 17th Ave to Rainbow Campground safety upgrade project will be repurposed to other ODOT All Roads Transportation Safety (ARTS) project funding needs; and

WHEREAS, a formal/full amendment is required to remove the project from the MTIP; and

WHEREAS, a special amendment performance evaluation is not required as the project does not exceeds \$100 million, or is capacity enhancing; and

WHEREAS, Regional Transportation Plan consistency check areas included financial/fiscal constraint verification, an assessment of possible air quality impacts, consistency with regional approved goals and strategies, and a reconfirmation that the MTIP's financial constraint finding is maintained a result of this amendment; and

WHEREAS, Metro's Transportation Policy and Alternatives Committee (TPAC) received their notification plus amendment summary overview, and recommended approval to Metro's Joint Policy Advisory Committee on Transportation (JPACT) on May 6, 2022; and

WHEREAS, JPACT approved Resolution 22-5266 consisting of the OR224, SE 17th Ave to Rainbow Campground safety upgrade project Formal MTIP Amendment on May 19, 2022 and provided their approval recommendation to Metro Council; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the recommendation of JPACT on June 2, 2022 through Resolution 22-5266 to formally amend the 2021-26 MTIP to remove the OR224, SE 17th Ave to Rainbow Campground safety upgrade project.

ADOPTED by the Metro Council this ____ day of _____ 2022.

Lynn Peterson, Council President

Approved as to Form:

Carrie MacLaren, Metro Attorney

2021-2026 Metropolitan Transportation Improvement Program
 Exhibit A to Resolution 22-5266



Proposed May #2 2022 Formal Amendment
 Key 22612 - OR224: SE 17th Ave - Rainbow Campground safety upgrade project
 Amendment Type: **Formal/Full**
 Amendment #: **MY22-12-MAY2**
 Total Number of Projects: 1

Key Number & MTIP ID	Lead Agency	Project Name	Project Description	Amendment Action
Project #1 ODOT Key 21612 MTIP ID 71166	ODOT	OR224: SE 17th Ave - Rainbow Campground	Complete various safety upgrades Improvements including signs, stop bars, rumble strips, signals, reflectorized back plates and lighting to increase safety on this section of highway.	<u>CANCEL PROJECT:</u> Funding and complications with the Riverside Wildfire Recovery Effort necessitate ODOT to remove the project from the MTIP and STIP now



Metro
 20121-24 Metropolitan Transportation Improvement Program (MTIP)
 PROJECT AMENDMENT DETAIL WORKSHEET

**Formal/Full Amendment
 CANCEL PROJECT**
 Cancel Key 21612 due to funding issues

Lead Agency: ODOT		Project Type: Safety		ODOT Key: 21612			
Project Name: OR224: SE 17th Ave - Rainbow Campground		ODOT Type: Safety		MTIP ID: 71166			
<p>Project Status: N/A - Project is being canceled from the MTIP and delayed until the next STIP cycle</p> <p>Short Description: Improvements including signs, stop bars, rumble strips, signals, reflectorized back plates and lighting to increase safety on this section of highway.</p> <p>Key 21612 is being Canceled and Removed from the MTIP and STIP</p> <p>Detailed Description: Improvements including signs, stop bars, rumble strips, signals, reflectorized back plates and lighting to increase safety on this section of highway.</p> <p>STIP Description: Improvements including signs, stop bars, rumble strips, signals, reflectorized back plates and lighting to increase safety on this section of highway.</p>		1		Status: Canceled			
				Performance Meas: Yes		Comp Date: N/A	
				Capacity Enhancing: No		RTP ID: 12095	
				Conformity Exempt: Yes		RFFA ID: N/A	
				On State Hwy Sys: OR224		RFFA Cycle: N/A	
				Mile Post Begin: 0.00		UPWP: No	
				Mile Post End: 49.97		UPWP Cycle: N/A	
				Length: 49.97		Transfer Code: N/A	
				Flex Transfer to FTA: No		Past Amend: 0	
				1st Year Program'd: 2022		OTC Approval: No	
Years Active: 1		MTIP #: MY22-12-MAY2					
STIP Amend #: 21-24-2035							

Last Amendment of Modification: None. First amendment to project

PROJECT FUNDING DETAILS

Fund Type	Fund Code	Year	Planning	Preliminary Engineering	Right of Way	Other (Utility Relocation)	Construction	Total
Federal Funds								
HSIP	ZS30	2022		\$ 303,067				\$ -
HSIP	ZS30	2023			\$ 12,341			\$ -
HSIP	ZS30	2023				\$ 38,484		\$ -
HSIP	ZS30	2024					\$ 1,366,197	\$ -
								\$ -
Notes:							Federal Totals:	\$ -
Federal Fund Obligations \$:								Federal Aid ID
EA Number:								
Initial Obligation Date:								
EA End Date:								
Known Expenditures:								
State Funds								
State	Match	2022		\$ 25,568			-	\$ -
State	Match	2023			\$ 1,041			\$ -
State	Match	2023				\$ 3,247		\$ -
State	Match	2024					\$ 115,257	\$ -
								\$ -
							State Total:	\$ -
Local Funds								
								\$ -
								\$ -
							Local Total	\$ -
Phase Totals Before Amend:			\$ -	\$ 328,635	\$ 13,382	\$ 41,731	\$ 1,481,454	\$ 1,865,202
Phase Totals After Amend:			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Year Of Expenditure (YOE):								\$ -
Net Phase Funding Change:			\$ -	\$ (328,635)	\$ (13,382)	\$ (41,731)	\$ (1,481,454)	\$ (1,865,202)
Phase Percent Change:			0.0%	-100.0%	-100.0%	-100.0%	-100.0%	-100.0%

Notes and Summary of Changes:

- > Red font = prior amended funding or project details. Blue font = amended changes to funding or project details. Black font indicates no change has occurred.
- > What are we changing? The project is being canceled and removed from the MTIP.

Amendment Summary:

The formal amendment cancels the project and removes it from the MTIP. The project has been identified as being under budget. Some of the required sign replacements have been completed as part of the OR224 Fire Recovery project. ODOT also has submitted a Federal Lands Access Program (FLAP) grant to develop a OR224 Corridor Master Plan. The FLAP was established in 23 U.S.C. 204 to improve transportation facilities that provide access to, are adjacent to, or are located within Federal lands. The Access Program supplements State and local resources for public roads, transit systems, and other transportation facilities, with an emphasis on high-use recreation sites and economic generators. As a result of these actions, ODOT is canceling the project for now. ODOT will reprogram the funds to support other ARTS projects funding shortfalls.

RTP References:

- > RTP ID: 12095 - Safety & Operations Projects
- > RTP Description: Projects to improve safety or operational efficiencies such as pedestrian crossings of arterial roads, railroad crossing repairs, slide and rock fall protections, illumination, signals and signal operations systems, that do not add motor vehicle capacity.
- > Regional Significant Project: Yes
- > UPWP amendment: No
- > RTP Goals: Goal 5 - Safety and Security
- > Goal Objective: 5.1 Transportation Safety
- > Goal Description: Eliminate fatal and severe injury crashes for all modes of travel.
- > Proof of Funding Verification: N/A
- > Scope changes included: Yes, project cancellation
- > Limit changes included: N/A
- > Formal/full amendment requirement under Matrix: Project cancellations require a full/formal amendment
- > Add Special Performance Evaluation assessment required to be completed: No
- > Exempt or Capacity Project: Exempt project per 40 CFR 93.126, Table 2
- > Exemption reference: safety - Highways Safety Implementation Program

Fund Codes:

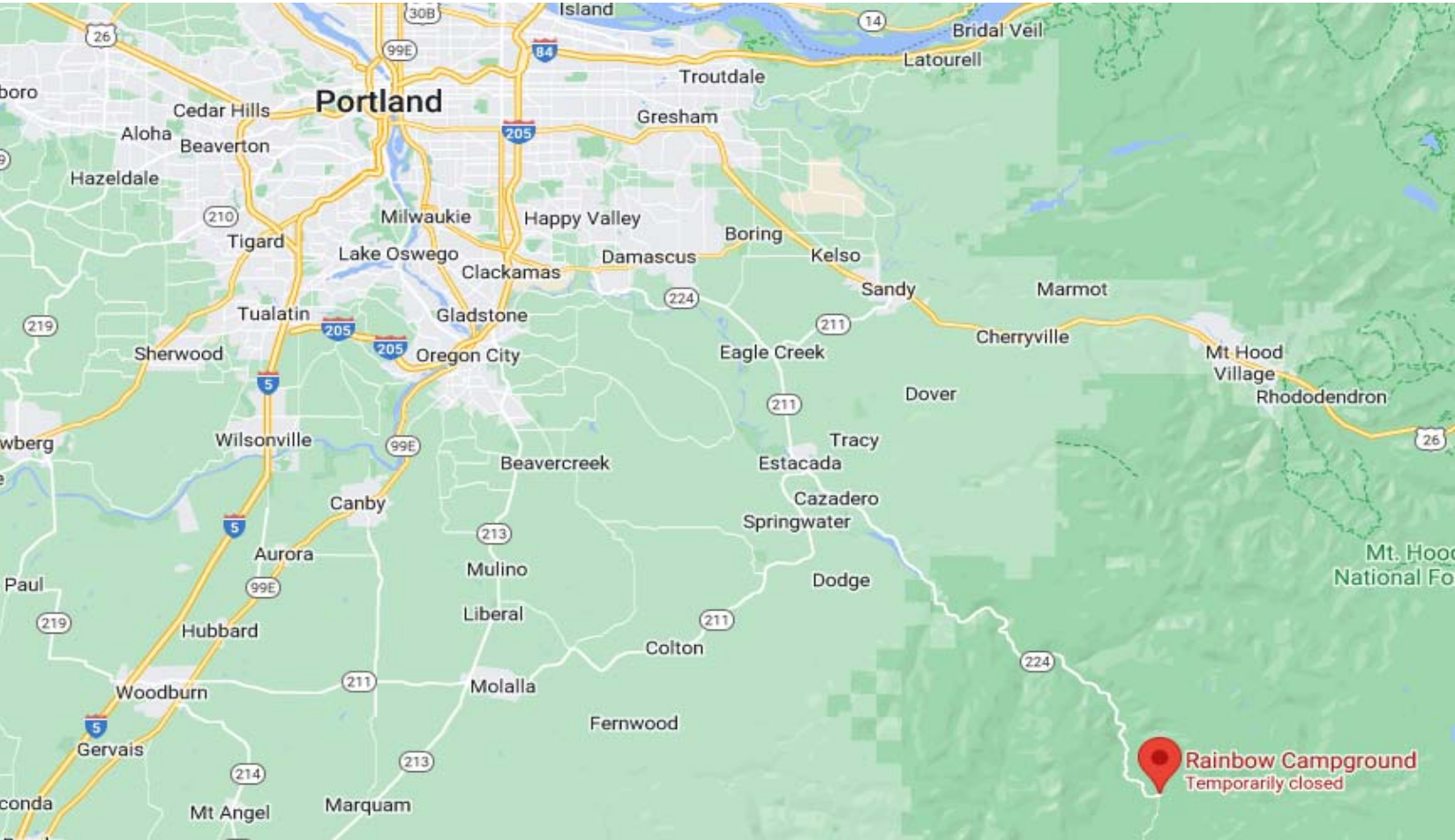
- > HSIP = Federal Highway Safety Improvement Program funds appropriated to the state DOT and used for various transportation system safety improvements.
- > State = General state transportation funds provided by the lead agency as part of the required match.

Other

- > On NHS: Yes. OR224 is identified as an "Other NHS Routes" on the NHS system
- > Metro Model: Yes - Motor Vehicle Network
- > Model category and type: Throughways and Major Arterials
- > TCM project: No
- > Located on the CMP: Yes

Fund Codes											
Phase	Fund Code	Description	ICA P	Percent of Phase	Total Amount	Federal Percent	Federal Amount	State Percent	State Amount	Local Percent	Local Amount
PE	ZS30	HIGHWAY SAFETY IMP PROG FAST		0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00
	PE Totals			0.00%	0.00		0.00		0.00		0.00
RW	ZS30	HIGHWAY SAFETY IMP PROG FAST		0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00
	RW Totals			0.00%	0.00		0.00		0.00		0.00
UR	ZS30	HIGHWAY SAFETY IMP PROG FAST		0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00
	UR Totals			0.00%	0.00		0.00		0.00		0.00
CN	ZS30	HIGHWAY SAFETY IMP PROG FAST		0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00
	CN Totals			0.00%	0.00		0.00		0.00		0.00
Grand Totals					0.00		0.00		0.00		0.00

Key 21612 Project Limits span from the beginning of OR 224 at MP 0.00 down to Rainbow Campground at MP 49.97



Memo

Date: May 24, 2022
 To: Metro Council and Interested Parties
 From: Ken Lobeck, Funding Programs Lead
 Subject: May #2 2022 MTIP Formal Amendment & Resolution 22-5266 Notification and Approval Request
 OR224: SE 17th Ave - Rainbow Campground Project Cancellation

FORMAL AMENDMENT STAFF REPORT

FOR THE PURPOSE OF AMENDING THE 2021-26 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) TO CANCEL ODOT’S OR224, SE 17th AVE TO RAINBOWCAMPGROUND SAFETY UPGRADE PROJECT DUE TO FUNDING ISSUES AND OVERLAPPING SCOPE ELEMENTS WITH THE OR224 RIVERSIDE FIRE RECOVERY EFFORT (MY22-12-MAY2)

BACKGROUND

What This Is:

The May #2 2022 Formal Metropolitan Transportation Improvement Program (MTIP) Formal/Full Amendment contains two projects. Both projects are being submitted and processed for final Metro approval under separate resolutions. The second project is under MTIP Amendment MY22-12-MAY2 and is contained in Resolution 22-5266. The project is the OR224, SE 17th Ave to Rainbow Campground project in Key 21612. The project MTIP amendment will cancel the project.

What is the requested action?

TPAC received their official notification and provided an approval recommendation to for Resolution 22-5266 to cancel the ODOT’s OR224, SE 17th Ave to Rainbow Campground safety upgrade project

Proposed May #2 2022 Formal Amendment Amendment Type: Formal/Full Amendment #: MY22-12-MAY2 Total Number of Projects: 1					
ODOT Key #	MTIP ID #	Lead Agency	Project Name	Project Description	Description of Changes
Project #1 Key 21612	71166	ODOT	OR224: SE 17th Ave - Rainbow Campground	Improvements including signs, stop bars, rumble strips, signals, reflectorized back plates and lighting to increase safety on this section of highway.	CANCEL PROJECT: The project has funding issues and overlapping scope elements with the OR224 Riverside Fire Recovery effort. As a result ODOT will cancel the project.

AMENDMENT SUMMARY:

The May #2 2022 Formal MTIP Amendment bundle involves canceling ODOT's OR224, SE 17th Ave to Rainbow Campground project in Key 21612. The project was schedule to begin PE during FFY 2022. However, due to the Riverside Fire and OR224 Fire Recovery effort, several scope elements overlap into the fire recovery effort. Additionally, ODOT estimate funding issues are already present with Key 21612. ODOT plans on submitting a Federal Lands Access Program grant to develop a OR224 Corridor Master Plan which will include required safety improvements once the Fire Recovery Effort is completed. As a result of the new strategy, Key 21612 is being canceled from the 2021-24 MTIP and STIP.

JPACT Meeting – May 19, 2022:

The amendment was approved by JPACT with no discussion.

TPAC May 6, 2022 Meeting Summary

During the TPAC meeting Chris Ford, ODOT provided additional details about the amendment request. He stated that ODOT can't guarantee that the project will be reprogrammed in the 2024-27 STIP. As part of the Fire Recovery Effort, Chris acknowledged several safety improvement planned as part of the project have occurred. Chris also confirmed that ODOT will pursue the FLAP grant with the U.S. Forestry Service to develop the OR224 Corridor Master Plan. How the identified improvements in the Master Plan will be funded remains the question. Inflation impacts could derail future reprogramming in the 2024-27 STIP due to excessive cost issues. Note: Prior to the amendment discussion, TPAC members had a brief discussion about the impact inflation is having on projects and project delivery. Chris stated he wanted TPAC members understand the inflation issue is impacting the OR224 safety upgrade project as well as other transportation projects.

After providing the clarification, TPAC members still provided a unanimous approval recommendation to JPACT to cancel to OR224 safety upgrade project from the current 2021-24 MTIP.



A more detailed overview of both projects follows the acronym list

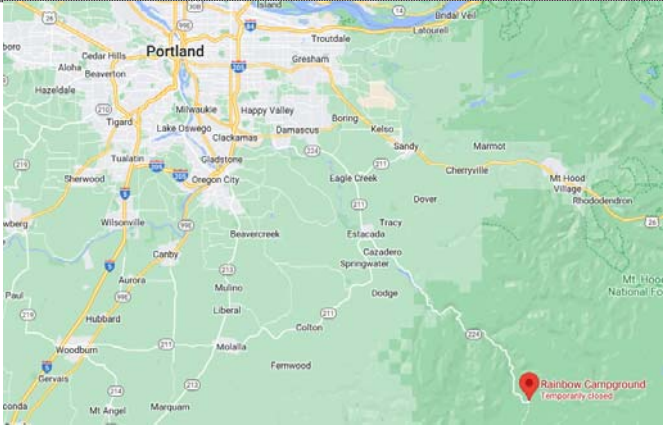
Below is a summary list of transportation acronyms used in the report:

- I-205 = Interstate 205
- ARTS = ODOT All Roads Transportation Safety program
- Cons or CN = Construction phase
- FFY = Federal Fiscal Year (e.g. October 1 through September 30)
- FHWA = Federal Highways Administration
- FLAP = Federal Lands Access Program funds
- FMIS = FHWA's Financial Management Information System
- HSIP = Federal Highway Safety Improvement Program funds
- MP = Mile Post limit markers on the State Highway system
- ODOT = Oregon Department of Transportation
- OR 224 = Oregon State Route 224
- OTC = Oregon Transportation Commission
- PE = Preliminary Engineering
- ROW/RW = Right of Way phase
- SFY = State Fiscal Year (July 1 through June 30 of each calendar year)
- State = General state funds used as the match requirement for federal funds committed to a project. Also may be committed as stand-alone funding (state only funds) for a project.

A detailed overview of each project amendment in the bundle begins on the next page.

Project 1		OR224: SE 17th Ave - Rainbow Campground	
Lead Agency:	ODOT		
ODOT Key Number:	21612	MTIP ID Number:	71251
Projects Description:	<p>Project Snapshot:</p> <ul style="list-style-type: none"> • <u>Quick Amendment Summary:</u> The amendment cancels the project from the MTIP. • <u>Metro UPWP Project:</u> No This a large capital, capacity enhancing project being implemented • <u>Proposed improvements:</u> Key 22612 is proposed to complete required safety improvement upgrades including signs, stop bars, rumble strips, signals, reflectorized back plates and lighting to increase safety on this section of highway. • <u>Source:</u> Existing project • <u>Amendment Action:</u> The amendment cancels the project from the current 2021-24 MTIP and STIP. • <u>Additional Amendment Evaluation Required:</u> No The project is not capacity enhancing or exceeds \$100 million in total project costs. • <u>Funding:</u> The current funding for the project primarily relies on the federal Highway Safety Improvement Program (HSIP) funds. Upon cancelation, the funding will be reprogrammed to other eligible projects. • <u>FTA Conversion Code:</u> Not applicable. No transit funds are involved. The federal funds will not be flex transferred to FTA. • <u>Location, Limits and Mile Posts:</u> <ul style="list-style-type: none"> ○ Location: OR224 ○ Cross Street Limits: Overall limits start on OR224 in Milwaukie and proceed southeast to the Rainbow Campground ○ Overall Mile Post Limits: MP 0.00 to MP 49.97 • <u>Current Status Code:</u> N/A - Canceled • <u>Air Conformity/Capacity Status:</u> Key 22612 is a non-capacity enhancing improvement project. It is exempt from air quality conformity and transportation demand modeling analysis per 40 CFR 93.126, Table 2, Safety – Highway Safety Implementation Program. 		

	<ul style="list-style-type: none"> • Regional Significance Status: The project is considered a regionally significant as it contains federal funds, is located on a major arterial in the network, and addresses a key Metro goal of safety • Amendment ID and Approval Estimates: <ul style="list-style-type: none"> ○ STIP Amendment Number: 21-24-2035 ○ MTIP Amendment Number: MY22-12-MAY2 ○ OTC approval required: Not required ○ Metro approval date: Not specified yet.
<p>What is changing?</p>	<p><u>AMENDMENT ACTION: CANCEL PROJECT</u></p> <p>As a result of the Riverside Fire, clean-up and fire recovery efforts continue on OR224. Key 22612 was planned to begin Preliminary Engineering during FFY 2022. However, the OR224 Fire Recovery effort superseded this project, but also contained some overlapping scoping elements. Upon ODOT’s review of the project, Key 21612 was determined to be underfunded.</p>  <p>Rather than attempt to resolve the issues between the OR224 Fire Recovery effort and Key 21612, ODOT plans in submitting a federal Lands Access Program (FLAP) grant application with the U.S Forestry Service to develop an OR224 Corridor Master Plan that will include a traffic safety infrastructure to determine future required safety upgrades.</p> 
<p>Additional Details:</p>	<p>Key 21612 Project Limits: Starting on OR224 in Milwaukie at MP 0.00 and proceeding south east to Rainbow Campground at MP 49.97</p>

	
<p>Why a Formal amendment is required?</p>	<p>Canceling a project from the MTIP requires a formal; Full amendment per the approved FHWA/FTA/ODOT/MPO STIP and MTIP Amendment Matrix</p>
<p>Total Programmed Amount:</p>	<p>Key 21612 total programming decreases from \$1,865,202 to \$0</p>
<p>Added Notes:</p>	<p>1 Attachment: OR224 Wildfire FAQs</p>

Note: The Amendment Matrix located below is included as a reference for the rules and justifications governing Formal Amendments and Administrative Modifications to the MTIP that the MPOs and ODOT must follow.

METRO REQUIRED PROJECT AMENDMENT REVIEWS

In accordance with 23 CFR 450.316-328, Metro is responsible for reviewing and ensuring MTIP amendments comply with all federal programming requirements. Each project and their requested changes are evaluated against multiple MTIP programming review factors that originate from 23 CFR 450.316-328. The programming factors include:

- Verification as required to programmed in the MTIP:
 - Awarded federal funds and is considered a transportation project
 - Identified as a regionally significant project.
 - Identified on and impacts Metro transportation modeling networks.
 - Requires any sort of federal approvals which the MTIP is involved.
- Passes fiscal constraint verification:
 - Project eligibility for the use of the funds
 - Proof and verification of funding commitment
 - Requires the MPO to establish a documented process proving MTIP programming does not exceed the allocated funding for each year of the four year MTIP and for all funds identified in the MTIP.
 - Passes the RTP consistency review: Identified in the current approved constrained RTP either as a stand- alone project or in an approved project grouping bucket
 - RTP project cost consistent with requested programming amount in the MTIP
 - If a capacity enhancing project – is identified in the approved Metro modeling network
- Satisfies RTP goals and strategies consistency: Meets one or more goals or strategies identified in the current RTP.
- If not directly identified in the RTP’s constrained project list, the project is verified to be part of the MPO’s annual Unified Planning Work Program (UPWP) if federally funded and a regionally significant planning study that addresses RTP goals and strategies and/or will contribute or impact RTP performance measure targets.
- Determined the project is eligible to be added to the MTIP, or can be legally amended as required without violating provisions of 23 CFR450.300-338 either as a formal Amendment or administrative modification:
 - Does not violate supplemental directive guidance from FHWA/FTA’s approved Amendment Matrix.
 - Adheres to conditions and limitation for completing technical corrections, administrative modifications, or formal amendments in the MTIP.
 - Is eligible for special programming exceptions periodically negotiated with USDOT.
 - Programming determined to be reasonable of phase obligation timing and is consistent with project delivery schedule timing.
- Reviewed and initially assessed for Performance Measurement impacts.
- MPO responsibilities completion:
 - Completion of the required 30 day Public Notification period:
 - Project monitoring, fund obligations, and expenditure of allocated funds in a timely fashion.

ODOT-FTA-FHWA Amendment Matrix
Type of Change
FULL AMENDMENTS
1. Adding or cancelling a federally funded, and regionally significant project to the STIP and state funded projects which will potentially be federalized
2. Major change in project scope. Major scope change includes: <ul style="list-style-type: none"> • Change in project termini - greater than .25 mile in any direction • Changes to the approved environmental footprint • Impacts to AQ conformity • Adding capacity per FHWA Standards • Adding or deleting worktype
3. Changes in Fiscal Constraint by the following criteria: <ul style="list-style-type: none"> • FHWA project cost increase/decrease: <ul style="list-style-type: none"> • Projects under \$500K – increase/decrease over 50% • Projects \$500K to \$1M – increase/decrease over 30% • Projects \$1M and over – increase/decrease over 20% • All FTA project changes – increase/decrease over 30%
4. Adding an emergency relief permanent repair project that involves substantial change in function and location.
ADMINISTRATIVE/TECHNICAL ADJUSTMENTS
1. Advancing or Slipping an approved project/phase within the current STIP (If slipping outside current STIP, see Full Amendments #2)
2. Adding or deleting any phase (except CN) of an approved project below Full Amendment #3
3. Combining two or more approved projects into one or splitting an approved project into two or more, or splitting part of an approved project to a new one.
4. Splitting a new project out of an approved program-specific pool of funds (but not reserves for future projects) or adding funds to an existing project from a bucket or reserve if the project was selected through a specific process (i.e. ARTS, Local Bridge...)
5. Minor technical corrections to make the printed STIP consistent with prior approvals, such as typos or missing data.
6. Changing name of project due to change in scope, combining or splitting of projects, or to better conform to naming convention. (For major change in scope, see Full Amendments #2)
7. Adding a temporary emergency repair and relief project that does not involve substantial change in function and location.

- Acting on behalf of USDOT to provide the required forum and complete necessary discussions of proposed transportation improvements/strategies throughout the MPO.

APPROVAL STEPS AND TIMING

Metro’s approval process for formal amendment includes multiple steps. The required approvals for the May #2 2022 Formal MTIP amendment (MY22-12-MAY2) will include the following:

<u>Action</u>	<u>Target Date</u>
• Initiate the required 30-day public notification process.....	May 3, 2022
• TPAC notification and approval recommendation.....	May 6, 2022
• JPACT approval and recommendation to Council.....	May 19, 2022
• Completion of public notification process.....	June 1, 2022
• Metro Council approval.....	June 2, 2022

Notes:

- * The above dates are estimates. JPACT and Council meeting dates could change.
- ** If any notable comments are received during the public comment period requiring follow-on discussions, they will be addressed by JPACT.

USDOT Approval Steps (The below time line is an estimation only):

<u>Action</u>	<u>Target Date</u>
• Final amendment package submission to ODOT & USDOT.....	June 9, 2022
• USDOT clarification and final amendment approval.....	Early July 2022

ANALYSIS/INFORMATION

1. **Known Opposition:** None known at this time.
2. **Legal Antecedents:**
 - a. Amends the 2021-24 Metropolitan Transportation Improvement Program adopted by Metro Council Resolution 20-5110 on July 23, 2020 (FOR THE PURPOSE OF ADOPTING THE 2021-2024 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM FOR THE PORTLAND METROPOLITAN AREA).
 - b. Oregon Governor approval of the 2021-24 MTIP: July 23, 2020
 - c. 2021-2024 Statewide Transportation Improvement Program (STIP) Approval and 2021 Federal Planning Finding: September 30, 2020
3. **Anticipated Effects:** Enables the projects to obligate and expend awarded federal funds, or obtain the next required federal approval step as part of the federal transportation delivery process.
4. **Metro Budget Impacts:** None to Metro

RECOMMENDED ACTION:

TPAC received their official notification and provided an approval recommendation to for Resolution 22-5266 to cancel the ODOT’s OR224, SE 17th Ave to Rainbow Campground safety upgrade project

1 Attachment: OR224 Oregon Wildfire Recovery FAQs



Oregon 224 Wildfire Recovery

Why is it taking so long to re-open OR 224?

Many threats remain along the 19 miles of closed road. These include slides and trees still in danger of falling. Variables like rock scaling work to be done (removing boulders, rocks, dirt and other materials), the availability of contractors and construction materials, the impact of COVID-19 on workers, and unexpected encounters with owl and peregrine falcon nests also cause delays.

How long has the road been closed?

OR 224 has been closed since September 2020 from milepost 31 to 50, the longest closure of any state road from the wildfires.

Who is responsible for the work?

The Debris Management Task Force completed its cleanup work in December and ODOT is now managing the work to complete the road maintenance, which we are responsible for.

When will the road re-open?

The road will re-open when it's safe, and it's not yet safe. ODOT and the U.S. Forest Service are still working on the road and the properties we're responsible for and developing a timeline for re-opening.

Why is it taking so much longer to reopen OR 224 when all the other state roads closed by the wildfires have re-opened?

The Labor Day 2020 fire tore through the area with severity, burning extremely hot throughout this wild and scenic area of the Clackamas River. It destroyed tens of thousands of trees in its path. The hazard trees, most of them perched high above the roadway on steep cliffs, along with falling boulders and rocks, make the corridor unsafe for everyone to access and a very difficult recovery.

Why not open OR 224 one section of the road at a time?

We're considering many re-opening strategies, including segmental openings. When it is safe to do so, we will pick the strategy that works best.

What has to happen for the road to re-open?

Completing the guardrails is critical. We are still installing more than 42,000 feet of guardrail – about eight miles -- at 11 sites along the road. These include locations



Frequently Asked Questions

where guardrails were destroyed by wildfire and places stripped of protective roadside trees. Replacement highway safety signs are also being installed.

Will there be a recreation season on the Clackamas River?

We expect there will be a recreation season on the Clackamas River in 2022.

Are rockslides still a threat?

Yes. Crews are still rock scaling, bringing down large, dangerous boulders and rocks that could fall onto the road. In those areas, guardrail installation has to wait until the rock scaling work is done.

What's being done to address the rockslide threat?

We're installing protective mesh fencing on slopes in numerous areas.

What's the status of the U.S. Forest Service sites?

The fire damaged virtually all of the Forest Service sites along OR 224, including all of the campgrounds. Two Forest Service boat access sites, the Moore Creek and Hole-in-the-Wall Day Use sites, will open when the highway reopens. Reopening of other sites in 2022 remains uncertain, based on funding for required hazard and repair work.

Has erosion and the threat of slides worsened with the loss of so many trees?

Slides remain a threat. We've seen no major landslides but see rockslides and rock falls almost every day. A variety of erosion mitigation measures have been put into place, including hydro-mulching and using downed hazard trees for chipping. Here are two posts from the Debris Management Task Force on what's been done in the past: ["Erosion control helps keep highways safe"](#) and ["Get the facts: soil erosion"](#)

What is the plan for replanting?

Replanting is led by the USFS, local land managers, and other [local conservation](#), watershed, and environmental organizations. This work continues in key fire corridors.

Agenda Item No. 3.6

Resolution No. 22-5268 For the Purpose of Approving an Amendment to the Employment Agreements for the Chief Operating Officer and Metro Attorney

Consent Agenda

Metro Council Meeting
Thursday, June 2nd, 2022

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING SALARY	)	RESOLUTION NO. 22-5268
INCREASES FOR THE METRO ATTORNEY)	
AND THE CHIEF OPERATING OFFICER,	)	Introduced by Council President Lynn
AMENDING THE EMPLOYMENT	)	Peterson
AGREEMENT FOR METRO ATTORNEY AND)	
DELEGATING AUTHORITY TO THE METRO)	
COUNCIL PRESIDENT)	

WHEREAS, both the Metro Attorney and the Chief Operating Officer are appointed by the Metro Council President and confirmed by the Metro Council under the Metro Charter Sections 25(1) and (2); and

WHEREAS, the Metro Attorney receives compensation as fixed by the Metro Council by contract under Metro Code Section 2.08.090; and

WHEREAS, the Chief Operating Officer receives compensation as fixed by the Metro Council by contract under Metro Code Section 2.20.060; and

WHEREAS, the Metro Council reviewed the performance of both the Metro Attorney and the Chief Operating Officer in Executive Session on February 1, 2022; and

WHEREAS, in accordance with the Employment Agreements of the Chief Operating Officer and the Metro Attorney, the Metro Council may provide for salary increases based upon the performance evaluations for the Chief Operating Officer and the Metro Attorney;

WHEREAS, the Metro Council desires to provide for salary increases based upon the increase in cost of living adjustments and merit increases provided for non-represented employees for the Chief Operating Officer as budgeted for the fiscal year beginning on July 1, 2021 and for the Metro Attorney and the Chief Operating Officer as adopted for the budget for the fiscal year beginning on July 1, 2022;

WHEREAS, the Metro Council wants to amend the Employment Agreement For Metro Attorney in the form attached as Exhibit A to this Resolution; and

WHEREAS, the Metro Council wants to delegate authority to the Metro Council President to allow for salary increases for the Metro Attorney and Chief Operating Officer in accordance with the approved budgets for future fiscal years for non-represented employee salary increases without further Metro Council action subject to any requirements as set forth in the Employment Agreements with the Metro Attorney and Chief Operating Officer.

THEREFORE, BE IT RESOLVED that the Metro Council hereby approves the following:

- a. The compensation for the Chief Operating Officer shall be increased by the amount budgeted for salary increases in the fiscal year beginning on July 1, 2021 for non-represented employees paid retroactively to that date.
- b. The Metro Attorney and Chief Operating Officer shall receive the compensation increase for non-represented employees as set forth in the approved budget for the fiscal year beginning July 1, 2022.

- c. The Metro Council delegates authority to the Metro Council President to approve future increases for the Metro Attorney and Chief Operating Officer equal to the salary increases as provided to all non-represented employees in accordance with the Metro budget subject to the requirements of their Employment Agreements.
- d. The Metro Council approves the Second Amendment to the Employment Agreement with Metro Attorney as provided in the attached Exhibit A.

ADOPTED by the Metro Council this _____ day of _____ 2022.

Lynn Peterson, Council President

Approved as to Form:

Nathan A. S. Sykes, Deputy Metro Attorney

IN CONSIDERATION OF RESOLUTION NO. 22-5268, FOR THE PURPOSE OF APPROVING SALARY INCREASES FOR THE METRO ATTORNEY AND THE CHIEF OPERATING OFFICER, AMENDING THE EMPLOYMENT AGREEMENT FOR THE METRO ATTORNEY AND DELEGATING AUTHORITY TO THE METRO COUNCIL PRESIDENT

Date: May 23, 2022
Department: Council Office
Meeting Date: June 2, 2022

Prepared by: Kristin Dennis, Ina Zucker
Presenter(s) (if applicable): N/A
Length: N/A

ISSUE STATEMENT

Pursuant to their employment agreements, the Chief Operating Officer (COO) and Metro Attorney are evaluated on a regular basis by the Metro Council, and concurrently they are entitled to negotiate changes to their employment agreements. Based on successful evaluations completed by the Metro Council earlier in 2022, this resolution amends the employment agreement of the Metro Attorney, and provides salary increases based upon the increase in cost of living adjustments and merit increases provided to non-represented employees as budgeted for the fiscal years beginning on July 1, 2021 retroactively for the COO, and as adopted for the budget for the fiscal year beginning on July 1, 2022 for both positions. This resolution also delegates authority to the Metro Council President to allow for salary increases for the Metro Attorney and COO in accordance with the approved budgets for future fiscal years for non-represented employee salary increases without further Metro Council action.

ACTION REQUESTED

Approval of resolution number 22-5268.

IDENTIFIED POLICY OUTCOMES

N/A

POLICY QUESTION(S)

N/A

POLICY OPTIONS FOR COUNCIL TO CONSIDER

Council has directed preparation of this resolution for their consideration. Staff was not directed to prepare options.

STAFF RECOMMENDATIONS

N/A

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

N/A

BACKGROUND

N/A

ATTACHMENTS

Second amendment to the employment agreement of the Metro Attorney.

SECOND AMENDMENT TO EMPLOYMENT AGREEMENT FOR METRO ATTORNEY

THIS SECOND AMENDMENT to the METRO ATTORNEY EMPLOYMENT AGREEMENT (the "Second Amendment") is entered into by and between Metro, a metropolitan service district organized under the laws of the State of Oregon and the Metro Charter (herein referred to as "Metro") and Carrie MacLaren (herein referred to as "Employee").

BACKGROUND

- A. The parties entered into an Employment Agreement For Metro Attorney (the "Agreement") effective on July 1, 2019 and approved by the Metro Council on June 6, 2019.
- B. The Metro Council approved the Amended At-Will Employment Agreement on April 23, 2020 and the parties executed the amendment on April 30, 2020.
- C. The parties now desire to amend the Agreement to revise Section 7 in regard to the Metro Attorney's compensation.

AGREEMENT

The parties hereby agree to further amend the Agreement as follows:

Section 7 Compensation, Part A is replaced with the following language:

A. Salary. As compensation for Employee's services, Metro shall pay Employee the sum of \$236,000, per year, payable in the same frequency and manner as other Metro Employees. This salary shall be retroactive to June 27, 2021 and Employee shall receive payment for the retroactive salary owed as a lump sum in the pay period following the execution of this Second Amendment. Employee's performance and salary shall be reviewed annually by Metro as provided below. Any salary increases shall be based on the Council and Council President's evaluation of Employee's performance, availability of funding and on Metro's assessment of inflation and a survey of annual salaries paid to comparable positions. The compensation paid to Employee shall be subject to customary withholding taxes and other taxes as required with respect to compensation paid by Metro to an Employee.

Except as amended herein, all other terms and conditions of the Agreement will remain unchanged and will remain in full force and effect.

EMPLOYEE

METRO

Carrie MacLaren
Metro Attorney

Lynn Peterson
Metro Council President

Dated: _____

Dated: _____

APPROVED AS TO FORM:

Nathan A. S. Sykes
Deputy Metro Attorney

Agenda Item No. 4.1

Resolution No. 22-5262, For the Purpose of Adopting the Annual Budget for Fiscal Year 2022-23, Making Appropriations and Levying Ad Valorem Taxes

Resolution

Metro Council Meeting
Thursday, June 2nd, 2022

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE ANNUAL	)	RESOLUTION NO 22-5262
BUDGET FOR FISCAL YEAR 2022-23, MAKING)	
APPROPRIATIONS AND LEVYING AD VALOREM	)	Introduced by Marissa Madrigal, Chief
TAXES	)	Operating Officer, with the concurrence
	)	of Council President Lynn Peterson

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, 2022, and ending June 30, 2023; and

WHEREAS, the Multnomah County Tax Supervising and Conservation certified the annual Metro budget with no recommendations or objections (see Exhibit A); now, therefore,

BE IT RESOLVED,

1. The “Fiscal Year 2022-23 Metro Budget,” in the total amount of ONE BILLION SIX HUNDRED TWENTY SEVEN MILLION ONE HUNDRED FORTY SIX THOUSAND NINE HUNDRED SEVENTY SEVEN DOLLARS (\$1,627,146,977), 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 SEVENTY EIGHT MILLION ONE HUNDRED EIGHTY SIX THOUSAND SIX HUNDRED SIXTY FOUR DOLLARS (\$78,186,664) for general obligation bond debt, said taxes to be levied upon taxable properties within the Metro District for the fiscal year 2022-23. 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		\$78,186,664

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, 2022, 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 16th day of June 2022.

Lynn Peterson, Council President

APPROVED AS TO FORM:

Carrie MacLaren, Metro Attorney

STAFF REPORT

FOR THE PURPOSE OF THE COUNCIL TO CONSIDER BUDGET AMENDMENTS AND BUDGET NOTES TO THE FY 2022-23 APPROVED BUDGET. APPROVED CHANGES WILL BE INCORPORATED INTO RESOLUTION 22-5262, ADOPTING THE ANNUAL BUDGET FOR FISCAL YEAR FY 2022-23, MAKING APPROPRIATIONS AND LEVYING AD VALOREM TAXES

Date: April 25, 2022

Prepared by:
Patrick Dennis, Cinnamon Williams

Department: Office of the Chief Operating Officer

Presented by:
Marissa Madrigal, Chief Operating Officer
Brian Kennedy, Chief Financial Officer

Meeting date: June 2, 2022

Length: 15 minutes

ISSUE STATEMENT

Council action, through Resolution 22-5262, will be the final step in the adoption of Metro's FY 2022-23 budget. Final action by the Council must be completed by June 30, 2022.

ACTION REQUESTED

Council consideration and vote for approval of the proposed budget amendments and budget notes to the FY 2022-23 budget.

IDENTIFIED POLICY OUTCOMES

Approved budget amendments and budget notes will be incorporated into the FY 2022-23 budget prior to the vote to adopt the budget by Council on June 16, 2022.

POLICY QUESTIONS

Which proposed budget amendments and budget notes reflect Council priorities, policies and goals?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

Council may approve all, some, or none of the proposed budget amendments and budget notes for the FY 2022-23 budget.

STAFF RECOMMENDATIONS

The Chief Operating Officer and Chief Financial Officer recommend that Council consider and approve all budget amendments and budget notes that align with Council priorities.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

After considerable deliberation and opportunity of the FY 2022-23 Proposed budget, Council adopted Resolution 22-5252-A, approving the FY 2022-23 budget, setting property tax levies and

approving transmission of the approved budget to the Multnomah County Tax Supervising and Conservation Commission.

After the budget was Approved by Council on May 5, 2022, Metro departments submitted proposed budget amendments. Council will consider those proposed amendments for inclusion in the FY 2022-23 Adopted budget.

Council will also discuss and consider approving Councilor-proposed budget amendments and budget notes for inclusion in the FY 2022-23 Adopted Budget.

Subsequent to Council approval of budget amendments and budget notes, Resolution 22-5262 and related exhibits will be revised to reflect inclusion and/or changes requested by Metro departments and Councilors. If Council decides to approve budget changes to the Approved budget, they will be incorporated into Resolution 22-5262-A, which will be voted on at the June 16, 2022 Council meeting.

Additionally, the Multnomah County Tax Supervising Conservation Commission's letter certifying the FY 2022-23 Approved budget, from the May 26, 2022 public hearing, will be attached to Resolution 22-5262 as an exhibit.

Council Adoption of the FY 2022-23 budget is scheduled for June 16th, 2022.

1. Known Opposition – None known at this 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 Multnomah County Tax Supervising and Conservation Commission by May 15th, 2021. The Commission will conduct a hearing on June 3rd, 2021 for the purpose of receiving information from the public regarding the Council's approved budget. Following the hearing, the Commission will certify the budget to the Council for adoption and may provide recommendations to the Council regarding any aspect of the budget.

3. Anticipated Effects – Approved budget amendments will be effective as of July 1, 2022. Approved budget notes will be included in the FY 2022-23 Adopted budget document.

4. Budget Impacts – The total appropriations of the FY 2022-23 Approved Budget is \$1,627,146,977 and 1070.90 FTE. Approved budget amendments and notes will be incorporated into the FY 2022-23 budget prior to Council adoption.

BACKGROUND

Oregon Budget Law requires local governments to prepare their annual budgets in three legislatively defined stages; Proposed, Approved and Adopted. The agency's current processes and calendar allow the agency to meet this requirement.

ATTACHMENTS

Resolution #22-5262 – For the Purpose of Adopting the Annual Budget for Fiscal Year 2022-23, Making Appropriations and Levying Ad Valorem Taxes



METRO FY 2022-23 BUDGET

Summary of Proposed Budget Amendments
and Budget Notes for the FY 2022-23 Budget

*Updated After the May 31, 2022
Council Work Session*

Budget Amendments and Budget Notes
Vote Date (Public Hearing): June 2, 2022

Prepared by Patrick Dennis, Budget Coordinator

Reading This Report

The **Report Summary** section provides a high-level overview of the report.

The **General Fund Summary** highlights changes to General Fund and other notable fund changes.

The **Budget Amendments and Capital Improvement Plan Changes** displays all of the proposed amendments and changes to the Capital Improvement Plan (CIP), a brief description of each amendment or change, and the financial impact to the budget.

The **Councilor Budget Notes** document legislative intent before the programmatic specifics required to develop an amendment have been fully developed. Each proposed budget note is briefly described, with the full Budget Note texts following.

The **Attachments** are the Capital Improvement Plan (CIP) changes in detail.

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Report Summary

This report includes 14 proposed budget amendments and changes to the capital improvement plan (CIP), and three Councilor budget notes.

The different types of budget amendments are:

- Substantive Amendments that may change appropriation in a fund or alter FTE.
- Technical Amendments that include carry forwards for unspent FY 2021-22 funds. Others refine the budget to best reflect anticipated activities in FY 2022-23, but do not change appropriations or FTE.

The following proposed budget amendments would *increase* appropriations to the:

- **General Fund** by \$558,425
- **General Asset Management Fund** by \$499,000
- **Oregon Zoo Asset Management Fund** by \$800,000
- **Solid Waste Fund** by \$1,355,636
 - **Total Appropriation** Increase: \$3,213,061

The following proposed budget amendments request an *additional 3.2 FTE*:

- **Human Resources:** 1.0 FTE – Limited Duration Recruiter to 12/31/2023
- **Waste Prevention and Environmental Services (WPES):**
 - 1.0 FTE – Sr. Program Analyst – new addition
 - 0.2 FTE – Program Manager – increase back to 1.0 FTE from 0.8 FTE
 - 1.0 FTE – Program Coordinator – extend Limited Duration one year to 06/30/2023

The following proposed changes to the Capital Improvement Plan (CIP) are:

- **General Asset Management Fund** increase of \$499,000 (Attachment 1)
- **Oregon Zoo Asset Management Fund** increase of \$800,000 (Attachment 2)
- **Parks and Nature Bond Fund** increase of \$50,000 (Attachment 3)

This report includes three proposed budget notes that can be found starting on page 8.

General Fund Summary

The fiscal year 2022-23 budget fully funds the reserve at the target levels, including the proposed amendments. Two of the fourteen amendments result in changes to non-departmental General Fund resources (either contingency or fund balance). These include the following changes:

- \$50,000 transfer from General Fund Contingency to Council to increase funding for the Keller Scoping project (#518)
- \$147,687 transfer from General Fund Contingency to Human Resources for staffing and tracking system needs (#521)
 - This included a request for 1.0 FTE for an 18-month Limited-Duration Recruiter

In addition, there are numerous technical adjustments in the General Fund that result in changes between the General Fund and subfunds, or are related to technical carryovers from FY 2021-2022. Finally, there is one additional substantive amendment in the General Fund to convert a Limited Duration position to Regular Status with no change to appropriations.

Notable Changes in Other Funds:

- Solid Waste Fund is increasing FTE by 2.2 FTE:
 - Adding 1.0 FTE for a new position
 - Increasing a Position by 0.2 FTE, from 0.8 FTE to 1.0 FTE
 - Extending a 1.0 FTE Limited-Duration Position by 1 year
- Solid Waste Fund
 - Carry forward \$1,075,000 in unspent project funding
- General Asset Management Fund
 - Carry forward \$499,000 in unspent project funding
- Oregon Zoo Asset Management Fund
 - Refined project scoping resulting in \$800,000 appropriation increase request

Budget Amendments and Capital Improvement Plan Changes

Below is a list, by department, of each proposed budget amendment. Associated CIP changes can be found as attachments.

Central Services

<ul style="list-style-type: none"> • #Position 1210-FY23 Substantive Office of Metro Attorney 	<p>No additional budget appropriation is requested, however OMA is requesting that a limited duration Legal Counsel (Position 1210) be converted to regular status. The position had originally focused on Parks local option levy, but has expanded to other services areas and is a necessary part of OMA's on-going operations.</p>
<ul style="list-style-type: none"> • #503 Substantive Information Services and CIP 	<p>Information Services has unspent project funding to carry over into FY22-23 in the General Asset Management Fund (Capital Subfund-612 and IS R&R Subfund-616).</p> <p>This request seeks a carryover of unspent funds to FY22-23 Beginning Fund Balance of \$499,000 and an increase in appropriations to the General Asset Management Fund.</p> <p>Additionally, this request amends the 5-year CIP plan to reflect the timing of these projects, see Attachment 1.</p>
<ul style="list-style-type: none"> • #521 Substantive Human Resources 	<p>HR is requesting \$133,687 for a limited-duration Recruiter (program specialist classification) to assist in the significant increase in hiring activity at the agency. The need for additional recruitment assistance is expected to last the next 18 months. The expected end date for this position is December 31, 2023.</p> <p>Additionally, HR has begun implementing a Case Management tracking system for labor and employee relations investigations, grievances, and complaints. To maximize our benefit from the software, HR is requesting additional on-going costs of \$14,000 to fully implement the reporting features.</p> <p>These requests require a transfer from General Fund contingency of \$147,687 to increase Human Resources appropriations.</p>
<ul style="list-style-type: none"> • #493 Technical Communications and Office of the Deputy Chief Operating Officer 	<p>Moves \$114,597 in Personnel Services requirements from Communications to the Office of the Deputy Chief Operating Officer (DCOO) to align with the related position's reporting structure.</p>
<ul style="list-style-type: none"> • #499 Technical Office of the Deputy Chief Operating Officer and DEI 	<p>In FY22-23, the ADA program is moving from under the DCOO office and will now reside within DEI (shift within the Council Department). This amendment moves budgeted program costs for personnel and materials & services to DEI.</p> <p>Additionally, an account number coding correction is being made for the DEI capacity building program in this amendment.</p> <p>Total being moved \$402,229 within Council Department, but no additional appropriation is being requested.</p>

<ul style="list-style-type: none"> • #514 Technical Capital Asset Management 	<p>Moves the revenue and expenditure of the following contracts from FY 2021-22 to FY 2022-23, due to timing:</p> <ul style="list-style-type: none"> • \$170,000 for Construction Careers Pathway program for Workforce Funding contract with Woksystems Inc. • \$12,425 related to Contract No 041719 with Terex USA, LLC for a scissor lift which has an expected deliver in 2023. • \$10,000 for contracts 933718/933719 with Blankinship & Associates for contracted work related to Metro’s Sustainability Program Toxics Reduction project. <p>This request will increase appropriations by \$192,425.</p>
<ul style="list-style-type: none"> • #515 Technical Office of the Chief Operating Officer 	<p>Moves the revenue and expenditure of the following contracts from FY 2021-22 to FY 2022-23, related to Expo DOS, due to timing:</p> <ul style="list-style-type: none"> • \$50,000 related to Contract No 936226 Amendment 1 with Crossroads Consulting. • \$138,000 related to Contract No 936319 Amendment 4 on PO 49256 with Cascadia Partners LLC for consulting services. <p>These requests increase appropriations by \$188,000.</p>
<ul style="list-style-type: none"> • #516 Technical Government Affairs and Policy Development 	<p>GAPD, within the Council department, is requesting the following carryover of unspent FY21-22 funds to FY22-23:</p> <ul style="list-style-type: none"> • Regional Investment Strategies (RIS) carryover of \$100,000 related to qualitative research (focus/discussion groups) not completed during FY21-22 due to timing considerations and staff/contractor capacity constraints. • \$50,000 related to Contract No 936691 with Morel Ink for a Parks levy mailer not completed during FY21-22. <p>This request will move budget to FY22-23 and increase appropriations by \$150,000.</p>
<ul style="list-style-type: none"> • #517 Technical Human Resources 	<p>Human Resources is requesting the following carryover of unspent FY21-22 budget to FY22-23:</p> <ul style="list-style-type: none"> • \$28,000 related to Contract No 937716 with Peck, Rubanoff & Hatfield for legal services related to labor negotiations. <p>This request will move budget to FY22-23 and increase appropriations by \$28,000.</p>

<ul style="list-style-type: none"> • #518 Technical Office of the Chief Operating Officer 	<p>Transferring \$50,000 from the General Fund contingency (Council Opportunity Fund) to the Office of the Chief Operating Officer to increase the budget of the Keller Scoping project from \$150,000 to \$200,000.</p>
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Parks & Nature

<ul style="list-style-type: none"> • #512 Technical Carry Forwards 	<p>Operations placed orders for security gates, golf carts and kiosks that have since had shipping or contractor delays. The amounts related to the delayed equipment, \$289,777, is being carried forward from FY21-22 to FY22-23.</p> <p>Parks Planning initiated a feasibility and permit analysis for Farmington Paddle Launch that the engineers did not have time to complete during FY21-22 as originally planned. As a result, the contracted funds, \$42,901, are being carried forward.</p> <p>No appropriation change.</p>
<ul style="list-style-type: none"> • #512 Technical Carry Forwards and CIP 	<p>Oxbow is putting in a generator to aid in fire suppression during power outages. The generator itself will not arrive until August 2022 due to shipping delays. The amount related to the generator purchase and install, \$50,000, is being carried forward from FY21-22 to FY22-23 as a result. This affects the CIP, see Attachment 3.</p> <p>The TerraTrak developer, Sitka, has not completed as much work as originally scheduled and budgeted for FY21-22. Funds from the FY21-22 budget for TerraTrak, \$50,000, are being carried forward to FY22-23 as a result.</p> <p>No appropriation change.</p>

Waste Prevention and Environmental Services

<ul style="list-style-type: none"> • #519 Substantive FTE and Carry Forwards 	<p>This amendment contains requests for program staff FTE as well as one-time carry forwards of program funding due to the timing of project completion, total appropriation increase for this amendment is \$1,355,636. No change to CIP.</p> <ul style="list-style-type: none"> • At the request of the COO, a new Sr. Program Analyst position will be added to WPES, \$154,214 appropriation increase. • Add 0.2 FTE to a Program Manager position (1281) to return it to 1.0 FTE, no appropriation increase.
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	<ul style="list-style-type: none"> • Extend limited duration Program Coordinator position (1524) to 06/30/23, \$126,422 appropriation increase. • One-time carry forward requests \$1,075,000: <ul style="list-style-type: none"> ○ Facility System Plan funding \$350,000 ○ Policy and Programs funding for access to service payments and containers related to the implementation of Commercial Food Scraps requirement \$130,000 ○ Community Waste Prevention funding for decal printing and application \$105,000 ○ Community Waste Prevention funding for regional refresh fund grants for cleanup partnerships with community partners \$25,000 ○ Investment and Innovation grant fund payments \$290,000 ○ Employee wraparound services funding \$175,000
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Oregon Zoo

<ul style="list-style-type: none"> • #510 Substantive CIP 	<p>Increased scope for Zoo Administrative building upgrade project, requiring additional funding and adjustment to CIP project. Project now includes wall removal & reconfiguration, restroom upgrades, ADA improvements, and other various upgrades such as flexible workspace and improved conference rooms.</p> <p>This increases the Oregon Zoo Asset Management Fund appropriation by \$800,000 – see Attachment 2 for CIP change.</p>
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Councilor Budget Notes

Budget Note #1 (Councilors Gonzalez and Hwang):

Create a framework for staff to envision, develop, implement and coordinate a regional climate justice and resilience strategy across Metro's service areas and programs.

Sponsored by: Councilor Gonzalez

Co-Sponsored by: Councilor Hwang

Budget Note #2 (Councilor Hwang and President Peterson):

Create a limited-duration position, the Partnerships and Community Investment Program Manager, within the Council Office to provide comprehensive match-making and leverage opportunities for community based organizations seeking public, philanthropic, and private funding for a range of project types and sizes.

Sponsored by: Councilor Hwang

Co-Sponsored by: Council President Peterson

Budget Note #3 (Councilor Lewis):

Housing Staff Capacity: identify urgency in new hires and the capacities that the department should have, once the complete team is onboard.

Sponsored by: Councilor Lewis

The full text Budget Notes are included in the following pages (9-14).

**FY 2022-23 Council Proposals
For Budget Note Discussion
BUDGET NOTE #1**

Sponsor: Councilor Gonzalez

Co-Sponsor: Councilor Hwang

Budget Note Title:

Create a framework for staff to envision, develop, implement and coordinate a regional climate justice and resilience strategy across Metro's service areas and programs.

Budget Note Narrative:

During FY 2019-2020, Councilor Gonzalez proposed a budget note requesting the Chief Operating Officer to create a work plan and identify the employee capacity necessary to create a coordinated, regional strategy to mitigate climate change. This work plan was to include:

- Creation of an inventory on the current climate change mitigation work being done both at Metro and at our partner jurisdictions
- An evaluation of opportunities for new climate mitigation work through Metro's external-facing programs
- Working with local jurisdictions to determine their climate needs and identify ways in which Metro can support their work
- Developing multi-jurisdictional benchmarks for greenhouse gas reduction in key timelines (eg. 2030, 2050) and a regional strategies and a roadmap to meet those goals.
- Identifying regional climate goals for the impacts of Metro's external-facing work and what progress looks like for Metro
- Effectively communicate our strategy and our successes

Since the adoption of the FY 2019-2020 budget, staff have completed work to address the budget note including developing an inventory of internal climate mitigation work, resources allocated at the time and a proposal of future resources needed to implement this body of work. But, like many priorities at Metro, further work to begin internal coordination and implementation of a region wide strategy to address climate change was postponed due to changes in budgetary prioritization. At the same time, in addition to the on-going pandemic; national events sparked a reemergence of social action and movement which called on government agencies to take proactive steps to address a long history of racism and disinvestment, BIPOC and other marginalized communities experience.

As the region begins to heal from the negative impacts of the pandemic, climate change continues to cause widespread negative impacts, manifesting in the Metro region in the form of deadly heat waves, destructive wildfires and severe drought. BIPOC and other marginalized communities bear the brunt of the effects of climate change. Metro has a unique and powerful role and opportunity to advance climate and racial justice in tandem, in alignment with the guiding principles in Metro's Strategic Framework. Climate leadership is one of Metro's desired outcomes for the region, and Metro has also committed to climate goals in our own operations. Yet, Metro lacks a framework and process for implementing these commitments agency-wide that integrates our racial equity lens.

Council directs the Chief Operating Officer to create a work plan and identify the employee capacity necessary to renew the effort to create a coordinated, regional strategy to mitigate climate change in alignment with Metro's Racial Equity Strategy, including but not limited to:

- Creating a platform for Metro to convene internal staff in developing a Climate Justice and Resilience Task Force to envision, implement and coordinate climate justice and resilience work across Metro's service areas and programs. Efforts of the task force should include:
 - Deepen our collective understanding of climate justice and resilience: what do we know and what can we learn from others?
 - Vision and thought leadership: what could it look like for Metro to be a leader in fostering climate justice and resilience?
 - Identify key principles or pillars: what are essential elements to integrate climate justice and resilience, racial equity, and shared prosperity that should guide Metro's work?
 - Identify areas to leverage Metro's existing racial equity and shared prosperity initiatives to build a climate workforce that is diverse, skilled, and growing.
 - Operationalize Metro's commitment to climate justice and resilience: how do we integrate this as a key operating framework for decision-making across Metro?
 - Create accountability mechanisms: how can we track progress and outcomes of climate justice and resilience-related initiatives across the agency?
 - Specify the resources, capacity, and tools departments need to achieve these outcomes.

Supporting the resources, capacity and tools that departments need to achieve outcomes including funding of the Emergency Management Program Coordinator 1.0 FTE and Sustainability Planner 1.0 FTE and funding resources to bring in thought partners to share best practices and strategies for consideration.

COO will report back to council on the proposal no later than November 2022 to allow for potential budget implications for a mid-FY 22-23 budget amendment or for inclusion in the FY 23-24 budget.

**FY 2022-23 Council Proposals
For Budget Note Discussion
BUDGET NOTE #2**

Sponsor: Councilor Hwang

Co-Sponsor: Council President Peterson

Budget Note Title:

Create a limited-duration position, the Partnerships and Community Investment Program Manager, within the Council Office to provide comprehensive match-making and leverage opportunities for community based organizations seeking public, philanthropic, and private funding for a range of project types and sizes.

Budget Note Narrative:

Purpose and Need

Community partners in our region have clearly demonstrated that, when properly resourced, they provide innovative solutions to our societal problems. However, in providing these services, nonprofits often face roadblocks in using public dollars due to restrictions and the “color of money.”

Metro has the staff and investment power to help create the opportunities for innovative, community-led projects to grow in our region. However, community based organizations (CBOs) need additional support and capacity to maneuver and manage private and public funding sources to get their projects off the ground. There is no one Metro staff person currently dedicated to assisting these organizations and building the partnerships needed. By creating a new Partnerships and Community Investment Program designed to facilitate funding partnerships among community based organizations, public agencies, philanthropy, and private funders, Metro can help organizations access flexible funds while bolstering community participation in decision-making.

Increased staff support to work collaboratively with government agencies and external funders to develop funding plans for projects can help our regional CBOs better serve community priorities. The Partnerships and Community Investment Program Manager will forge collaborative funding strategies to resource CBO projects and provide consistent, multisector experience to free up CBO resources for greater focus on innovation. The program will be seeded through partnerships with key foundation partners, who will provide flexible startup funds to begin this process.

Program Scope

The Partnerships and Community Investment Program will, at a minimum, provide comprehensive match-making and leverage opportunities for community based organizations seeking public, philanthropic, and private funding. Funding sources will include federal, state, regional, and local dollars, along with foundation support and other private funders.

Project size will be determined through community input and guidance from funders and the Program Manager. The scale of the program should be determined in partnership with community needs, but it could range from a focus on smaller-scale neighborhood projects that support cultural identity and community placemaking, such as the Portland Mercado, or it could focus on catalytic funding partnerships that accelerate social change, like the Los Angeles Black Worker Center. Projects of all sizes may be eligible to leverage Metro funding from other programs;

transformational projects may be candidates for funding from Large Scale Community Visions program under the 2019 Parks and Nature Bond.

The program will be housed in the Council Office to provide the necessary flexibility to support a broad range of community priorities.

Program Administration

Community will be in the driver's seat in identifying the types of projects that are most in need of flexible funding, leverage opportunities, and staff support. The Program Manager will collect this feedback through strategies such as in-depth interviews or community surveys. The Program Manager will also convene stakeholders, including philanthropic partners, to develop a needs analysis and to co-create a work plan that meets identified community needs.

Funding priorities will then be determined through a robust partnership process, including community members and organizations, private funders, and Metro Council. This approach borrows from a trusted model: Project Turnkey, which will administer approximately \$125 million in funding to supply units of shelter and emergent housing, is funded by the Oregon State Legislature and administered by Oregon Community Foundation.

Community input could highlight a number of priorities that would benefit from additional funding, more flexible funding, or the opportunity to put up matching funds to attract federal, state, local, and private investment. These priorities may include projects providing affordable childcare, bolstering the availability of affordable commercial space for small businesses, increasing access to arts and culture, providing culturally specific services, and workforce development projects that connect to housing. In developing priorities into proposals and projects, the projects should align with Metro's stated goals to advance racial equity and/or climate justice.

Community feedback may also show support for projects within Metro's existing service lines, such as affordable housing developments, community placemaking, and parks and natural areas. In the case of Metro programs, funds from the Partnerships and Community Investment Program will be strictly additive and will not backfill existing services; for example, leveraging new investments from private funders to support commercial retail or childcare space on the ground floor of a new housing development.

Metro will fund the Partnerships and Community Investment Program Manager position, and other funds collected from foundations and philanthropic partners will be held by a separate, nonprofit fiduciary partner to ensure dollars remain as flexible as possible.

Partnerships and Community Investment Program Manager Position

The new Partnerships and Community Investment Program Manager will bring deep connections to philanthropic organizations, particularly to private funders and foundations in key investment industries. The Program Manager will have a track record of engaging communities of color in

decision-making, with an emphasis on projects that support self-determination. Ideally, this person will have experience leading projects that result in increased generational wealth.

Upon hire, the Program Manager will assess operation needs and barriers to accessing funding in the community. The Program Manager will consider examples of successful partnerships from other states and identify opportunities for innovative pilots.

The Program Manager will compile possible funding streams at the federal, state, and regional level, alongside foundation and private support, an effort that may include an asset map of these resources. The Program Manager will then develop an engagement committee to determine priorities for investment. The Program Manager may also catalogue successful strategies employed by local CBOs to implement large projects.

Why Metro

As the only directly-elected regional government in the U.S., Metro is best positioned to take a comprehensive view of the systematic problems within both private and public processes and programs. Metro is also the most adaptable, innovative government in the state with experience providing flexible dollars and staff support to fill gaps in public services.

Metro has invested in multisector innovation for many years, by partnering with economic development agencies, investing in organizational capacity for CBOs, and by working with private firms to develop new policies. For example, the Construction Careers Pathways framework and toolkit, developed in partnership with industry partners, community stakeholders, and local jurisdictions, sets forth policy and funding strategies for advancing racial equity in the trades.

Metro can also leverage the impact of its own grant-making by becoming better aligned with philanthropic organizations and funding opportunities at partner jurisdictions.

Costs and Timeline

Metro anticipates launching the Program with 1.0 FTE at a salary of approximately \$110,000, plus benefits, to fulfill the position of the Program Manager. The position will be considered limited duration and reconsidered after two years. Over time, a staff of 2.0 FTE may be appropriate to provide adequate administration of the Program, including conducting research and fostering connections.

Metro Council will vote to adopt its FY 22-23 budget this June. The approved budget will include \$170,000 for a Program Analyst classification to perform the duties of the Program Manager. Hiring could begin as early as July 2022.

Funding for projects would be collaborative and would include both public and private donations. Fundraising goals will support projects of a size that can make meaningful progress toward Program goals (advancing racial equity and climate action).

**FY 2022-23 Council Proposals
For Budget Note Discussion
BUDGET NOTE #3**

Sponsor: Councilor Lewis

Budget Note Title:
Housing Staff Capacity

Budget Note Narrative:

Metro's Planning and Development Department has stretched and grown in remarkable ways for a government over the past 5 years to develop capacity and expertise on housing. With the passage of the 2018 Housing Bond and 2020 Supportive Housing Services Measure, the staff has stood up new programs with urgency using a start-up operations approach. For both measures, we have core responsibilities for tax administration, oversight, and data. Our focus is on working closely with partner agencies for implementation and technical expertise and we should resist the temptation to duplicate systems or services already provided by partner cities and counties. However, as the programs mature it is important for the agency to ensure a broader set of capacities and competencies rooted in communicating with stakeholders beyond other local government staff.

This budget includes a handful of new FTEs dedicated to housing. This budget note is intended to identify urgency in these hires and the capacities the department should have once the complete team is onboard.

- (1) HR Recruitment will prioritize the posting, assertive engagement of potential candidates, and review of applicants for each housing position in Planning and Development.
- (2) The Planning and Development Department will determine individuals and process for a "front desk" capacity for constituent services related to housing. Metro needs to be ready to field calls that will ultimately result in referrals to service providers and other local governments as well as requests for information.
- (3) The housing staff in the Planning and Development Department will identify individuals who can provide technical expertise to service providers and developers interested in responding to RFPs and RFQs from our local government partners.
- (4) The Planning and Development and Communications Departments will continue to collaborate on how we are communicating progress on this work. They will provide either a briefing or written memo to Council in winter 22/23 with a mid-budget update on housing communications tools and programs.
- (5) Finally, this budget note should be understood to represent the grave urgency of doing more on housing, both within our two measure-funded programs and with other tools and agency leadership. The Planning and Development Department WILL come to Metro Council with any budget, FTE, or program request related to housing mid budget year and will not put such requests off for the next year's regular budget process.

**Approved-to-Adopted FY 2022-23 Budget
Capital Improvement Plan (CIP) Detail Changes**

Financial Planning Use

Information Services

Total Changes 499,000

**Attachment 1
Resolution 22-5262**

New? Y/N	Project ID	Project Title	GL Acct	Fund ID	Dept ID	FY 2022-23			FY 2023-24 CIP Amended	FY 2024-25 CIP Amended	FY 2025-26 CIP Amended	FY 2026-27 CIP Amended	Notes (i.e delay/cancel other projects, contingency)
						CIP	Change Request*	CIP Amended					
N	17001I	Microsoft Exchange Upgrade	579000	616	00441	356,000	80,000	436,000	-	-	-	-	Carryover of unspent funds
N	01326	Council Chambers Broadcast Video	579000	616	00441	125,000	55,000	180,000	-	-	-	-	Carryover of unspent funds
N	17002I	Cloud Strategy Review	579000	616	00441	-	114,000	114,000	-	-	-	-	Carryover of unspent funds
N	14004E	E911	579000	616	00441	-	70,000	70,000	-	-	-	-	Carryover of unspent funds
N	13008U	Drupal 8 Refresh	579000	616	00441	-	50,000	50,000	-	-	-	-	Carryover of unspent funds
N	13008U	Drupal 8 Refresh	579000	612	00441	100,000	50,000	150,000	-	-	-	-	Carryover of unspent funds
N	14003I	MRC Technology Upgrades	579000	612	00441	550,000	80,000	630,000	-	-	-	-	Carryover of unspent funds
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Approved-to-Adopted FY 2022-23 Budget
 Capital Improvement Plan (CIP) Detail Changes
 Visitor Venue - Oregon Zoo

Financial Planning Use

Attachment 2
 Resolution 22-5262

New? Y/N	Project ID	Project Title	GL Acct	Fund ID	Dept ID	FY22-23			FY23-24			FY 2024-25	FY 2025-26	FY 2026-27	Notes (i.e delay/cancel other projects, contingency)	
						CIP	Change Request*	CIP Amended	CIP	Change Request	CIP Amended	CIP Amended	CIP Amended	CIP Amended		
N	ZRW207	Admin Bldg Refresh	579000	326	20000	200,000	800,000	1,000,000	150,000		150,000		-	-	-	Increase in scope for Zoo Admin Building Upgrade
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Approved-to-Adopted FY 2022-23 Budget
 Capital Improvement Plan (CIP) Detail Changes
 Parks and Nature

Financial Planning Use
 Attachment 3
 Resolution 22-5262

New? Y/N	Project ID	Project Title	GL Acct	Fund ID	Dept ID	FY 2022-23			FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	Notes (i.e delay/cancel other projects, contingency)
						CIP	Change Request*	CIP Amended	CIP Amended	CIP Amended	CIP Amended	CIP Amended	
N	POX017	Oxbow Generator	579000	352	03450	-	50,000	50,000	-	-	-	-	supply chain issues
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Agenda Item No. 5.1

**Ordinance No. 22-1479, For the Purpose of annexing to the Metro District Boundary
approximately 11.06 acres located at 17433 SW Brookman Road in Sherwood**

Ordinance

Metro Council Meeting
Thursday, June 2nd, 2022

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING TO THE) ORDINANCE NO. 22-1479
METRO DISTRICT BOUNDARY)
APPROXIMATELY 11.06 ACRES LOCATED) Introduced by Chief Operating Officer
AT 17433 SW BROOKMAN ROAD IN) Marissa Madrigal with the Concurrence of
SHERWOOD) Council President Lynn Peterson

WHEREAS, Riverside Homes LLC has submitted a complete application for annexation of 11.06 acres located at 17433 SW Brookman Road in Sherwood (“the territory”) to the Metro District; and

WHEREAS, the Metro Council added the Sherwood area to the Urban Growth Boundary (UGB), including the territory, by Ordinance No. 02-969B on December 5, 2002; and

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

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

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

WHEREAS, the Council held a public hearing on the proposed amendment on June 2, 2022; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro District Boundary Map is hereby amended, as indicated in Exhibit A, attached and incorporated into this ordinance.
2. The proposed annexation meets the criteria in section 3.09.070 of the Metro Code, as demonstrated in the Staff Report dated May 19, 2022, attached and incorporated into this ordinance.

ADOPTED by the Metro Council this ___ day of June 2022.

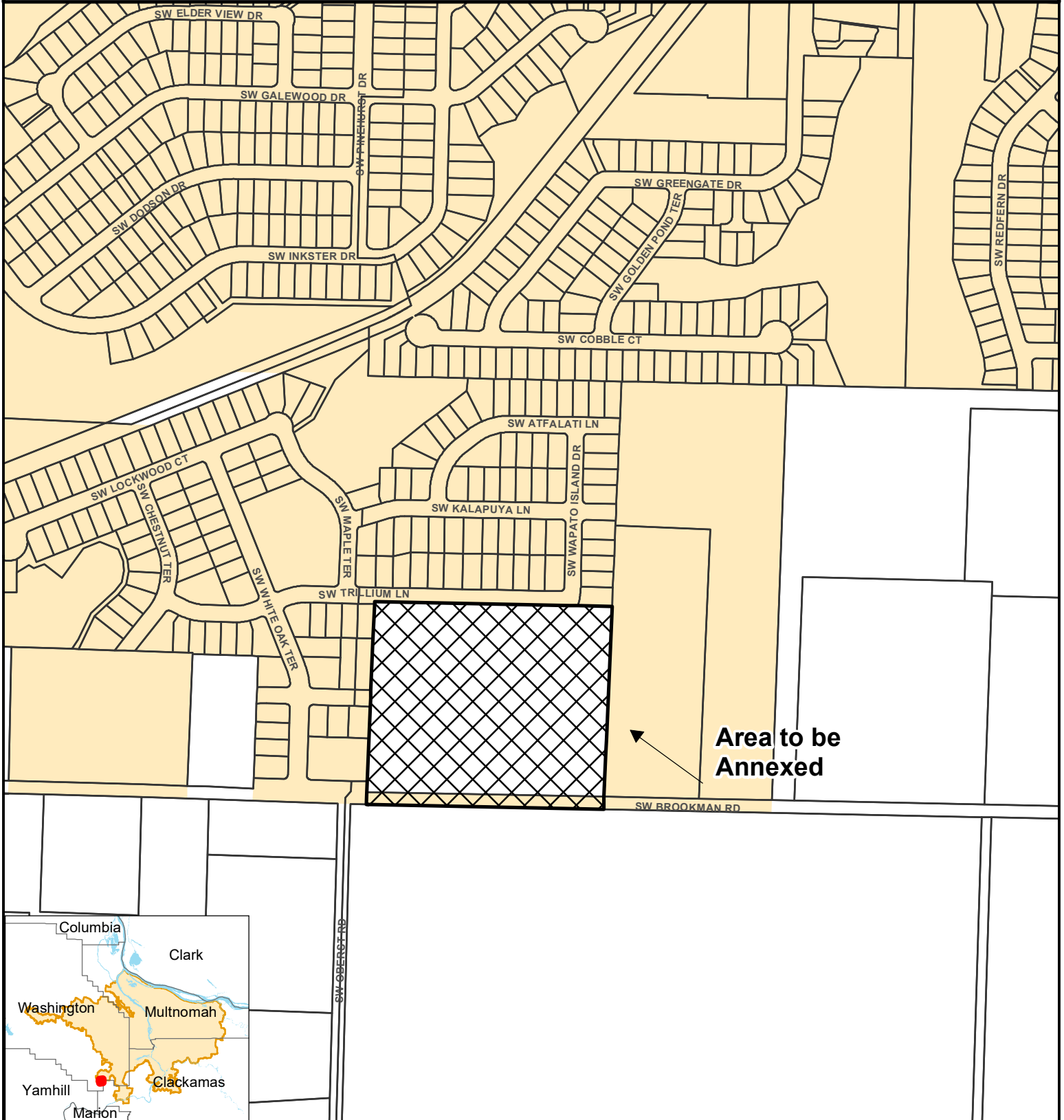
Lynn Peterson, Council President

Attest:



Approved as to form:

Connor Ayers, Recording Secretary

Carrie MacLaren, Metro Attorney



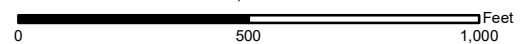
Research Center
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742
<http://www.oregonmetro.gov/drc>

 Metro District Boundary
 Taxlots

Proposal No. AN0322



1:5,000



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STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 22-1479, FOR THE PURPOSE OF ANNEXING TO THE METRO DISTRICT BOUNDARY APPROXIMATELY 11.06 ACRES LOCATED AT 17433 SW BROOKMAN ROAD IN SHERWOOD

Date: May 19, 2022
Department: Planning, Development, and Research

Prepared by: Tim O'Brien
Principal Regional Planner

BACKGROUND

CASE: AN-0322, Annexation to Metro District Boundary

PETITIONER: Riverside Homes LLC
15350 SW Sequoia Parkway, Suite 320
Portland, OR 97224

PROPOSAL: The petitioner requests annexation of land in Sherwood to the Metro District Boundary.

LOCATION: The land in Sherwood is approximately 11.06 acres in size, is located at 17433 SW Brookman Road and can be seen in Attachment 1.

ZONING: The land is zoned for residential use (MDRL).

The land was added to the Urban Growth Boundary (UGB) in 2002 and is part of the Brookman Addition Concept Plan area that was adopted by Sherwood. The land must be annexed into the Metro District for urbanization to occur.

APPLICABLE REVIEW CRITERIA

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

3.09.070 Changes to Metro's Boundary

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

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

Staff Response:

The land in Sherwood was brought into the UGB in 2002 through the Metro Council's adoption of Ordinance No. 02-969B, thus the affected territory lies within the UGB.

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

Staff Response:

The conditions of approval for Metro Ordinance No. 02-969B include a requirement that Washington County apply interim protection measures for areas added to the UGB as outlined in Urban Growth Management Functional Plan Title 11: Planning for New Urban Areas. Title 11 also requires that new urban areas be annexed into the Metro District Boundary prior to urbanization of the area. Washington County applied the Future Development-20 Acres (FD-20) designation to all the county land in Ordinance 02-969B to prevent premature urbanization of the expansion areas. The City of Sherwood adopted the Brookman Addition Concept Plan in 2009. The property was annexed to the City of Sherwood in May 2017. Thus the affected territory was subject to measures that prevented urbanization until the territory is annexed to the city and any necessary service districts.

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

Staff Response:

The subject property is part of the Brookman Addition Concept Plan area adopted by the City of Sherwood in 2009. The proposed annexation is required by Sherwood as part of a land use application. The annexation is consistent with the Washington County-Sherwood Urban Planning Area Agreement adopted in 2017. Thus the inclusion of the property within the Metro District is consistent with all applicable plans.

ANALYSIS/INFORMATION

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

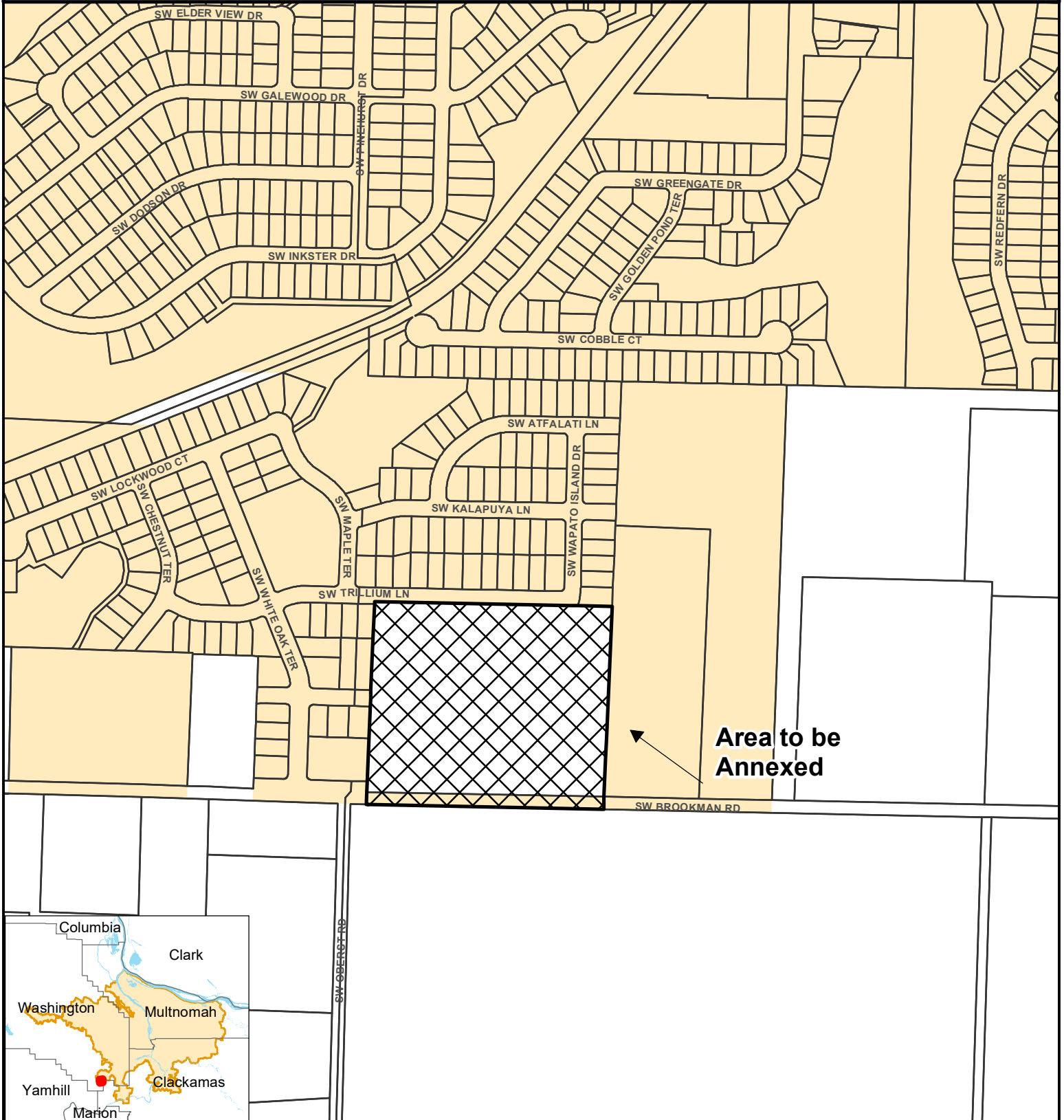
Legal Antecedents: Metro Code 3.09.070 allows for annexation to the Metro District boundary.

Anticipated Effects: This amendment will add approximately 11.06 acres in Sherwood to the Metro District. The land is currently within the UGB and approval of this request will allow for the urbanization of the land to occur consistent with the Brookman Addition Concept Plan.

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

RECOMMENDED ACTION

Staff recommends adoption of Ordinance No. 22-1479.



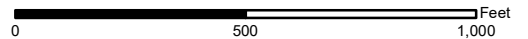
Research Center
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742
<http://www.oregonmetro.gov/drc>

- Metro District Boundary
- Taxlots

Proposal No. AN0322



1:5,000



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Agenda Item No. 5.2

**Ordinance No. 22-1480, For the purpose of annexing to the Metro District Boundary
Approximately 40.10 acres located at 13580 & 13794 SW Roy Rogers Road in Tigard**

Ordinance

Metro Council Meeting
Thursday, June 2nd, 2022

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING TO THE) ORDINANCE NO. 22-1480
METRO DISTRICT BOUNDARY)
APPROXIMATELY 40.10 ACRES LOCATED) Introduced by Chief Operating Officer
AT 13580 & 13794 SW ROY ROGERS ROAD IN) Marissa Madrigal with the Concurrence of
TIGARD) Council President Lynn Peterson

WHEREAS, Stanton Street Building Company, LLC has submitted a complete application for annexation of 40.10 acres located at 13580 & 13794 SW Roy Rogers Road in Tigard (“the territory”) to the Metro District; and

WHEREAS, the Metro Council added the Tigard River Terrace area to the Urban Growth Boundary (UGB), including the territory, by Ordinance No. 02-969B on December 5, 2002; and

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

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

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

WHEREAS, the Council held a public hearing on the proposed amendment on June 2, 2022; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro District Boundary Map is hereby amended, as indicated in Exhibit A, attached and incorporated into this ordinance.
2. The proposed annexation meets the criteria in section 3.09.070 of the Metro Code, as demonstrated in the Staff Report dated May 19, 2022, attached and incorporated into this ordinance.

ADOPTED by the Metro Council this ___ day of June 2022.

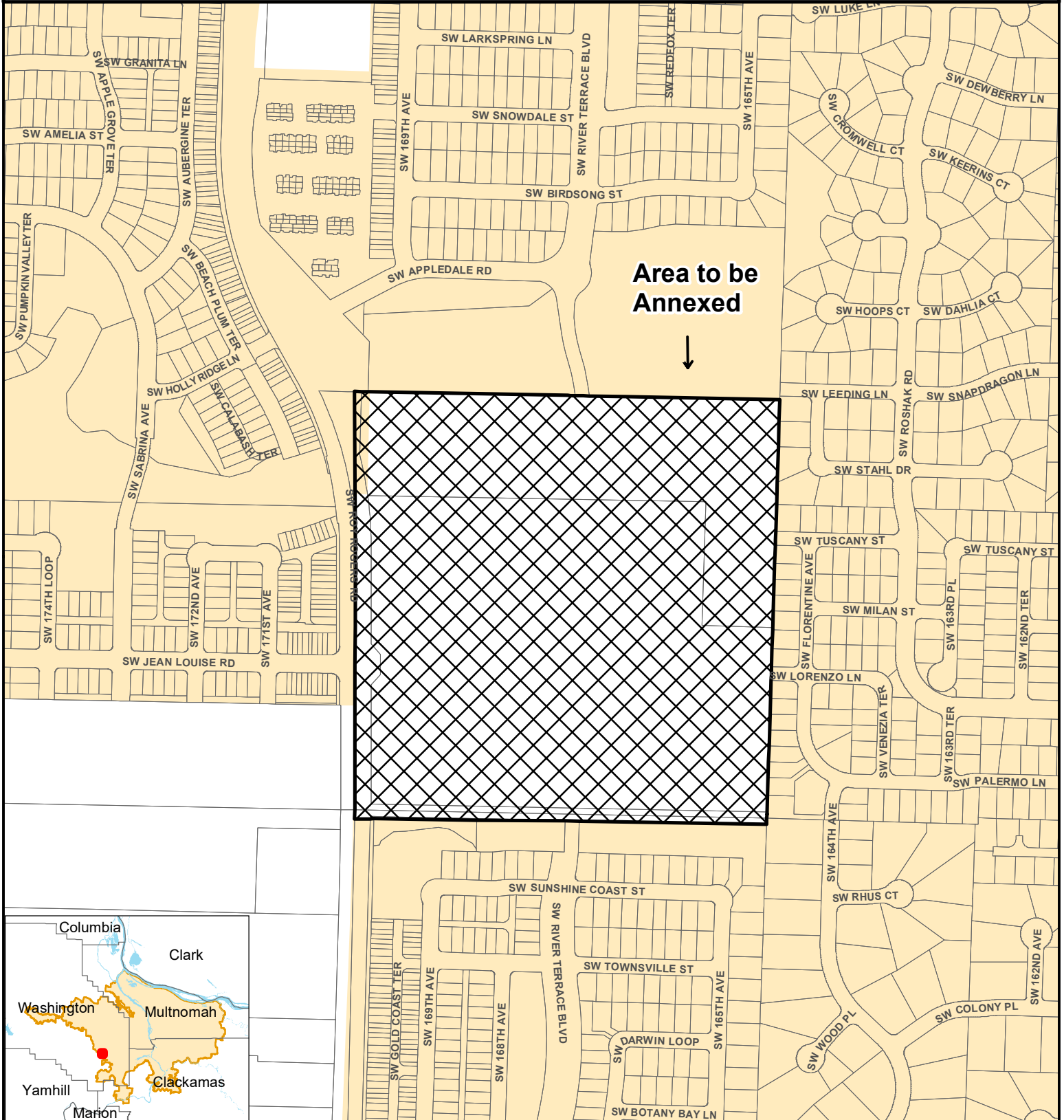
Lynn Peterson, Council President

Attest:

Approved as to form:

Connor Ayers, Recording Secretary

Carrie MacLaren, Metro Attorney



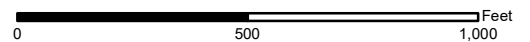
Research Center
 600 NE Grand Ave
 Portland, OR 97232-2736
 (503) 797-1742
<http://www.oregonmetro.gov/drc>

- Metro District Boundary
- Taxlots

Proposal No. AN0222



1:5,000



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STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 22-1480, FOR THE PURPOSE OF ANNEXING TO THE METRO DISTRICT BOUNDARY APPROXIMATELY 40.10 ACRES LOCATED AT 13580 & 13794 SW ROY ROGERS ROAD IN TIGARD

Date: May 19, 2022
Department: Planning, Development, and Research

Prepared by: Tim O'Brien
Principal Regional Planner

BACKGROUND

CASE: AN-0222, Annexation to Metro District Boundary

PETITIONER: Stanton Street Building Company, LLC
PO Box 1287
Cannon Beach, OR 97110

PROPOSAL: The petitioner requests annexation of land in Tigard to the Metro District Boundary.

LOCATION: The land in Tigard is approximately 40.10 acres in size, is located at 13580 & 13794 SW Roy Rogers Road, and can be seen in Attachment 1.

ZONING: The land is zoned for residential and commercial use (R-4.5, R-7, R-25 & CC).

The land was added to the Urban Growth Boundary (UGB) in 2002 and is part of the River Terrace Community Plan area that was adopted by Tigard. The land must be annexed into the Metro District for urbanization to occur.

APPLICABLE REVIEW CRITERIA

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

3.09.070 Changes to Metro's Boundary

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

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

Staff Response:

The land in Tigard was brought into the UGB in 2002 through the Metro Council's adoption of Ordinance No. 02-969B, thus the affected territory lies within the UGB.

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

Staff Response:

The conditions of approval for Metro Ordinance No. 02-969B include a requirement that Washington County apply interim protection measures for areas added to the UGB as outlined in Urban Growth Management Functional Plan Title 11: Planning for New Urban Areas. Title 11 also requires that new urban areas be annexed into the Metro District Boundary prior to urbanization of the area. Washington County applied the Future Development-20 Acres (FD-20) designation to all the county land in Ordinance 02-969B to prevent premature urbanization of the expansion areas. The property was annexed to the City of Tigard in January 2013, and the River Terrace Community Plan was adopted in 2014. The property is in the process of being annexed to Clean Water Services. Thus the affected territory was subject to measures that prevented urbanization until the territory is annexed to the city and any necessary service districts.

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

Staff Response:

The subject property is part of the River Terrace Community Plan adopted by the City of Tigard in 2014. The proposed annexation is consistent with the community plan and is required by Tigard as part of a land use application. Thus the inclusion of the property within the Metro District is consistent with all applicable plans.

ANALYSIS/INFORMATION

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

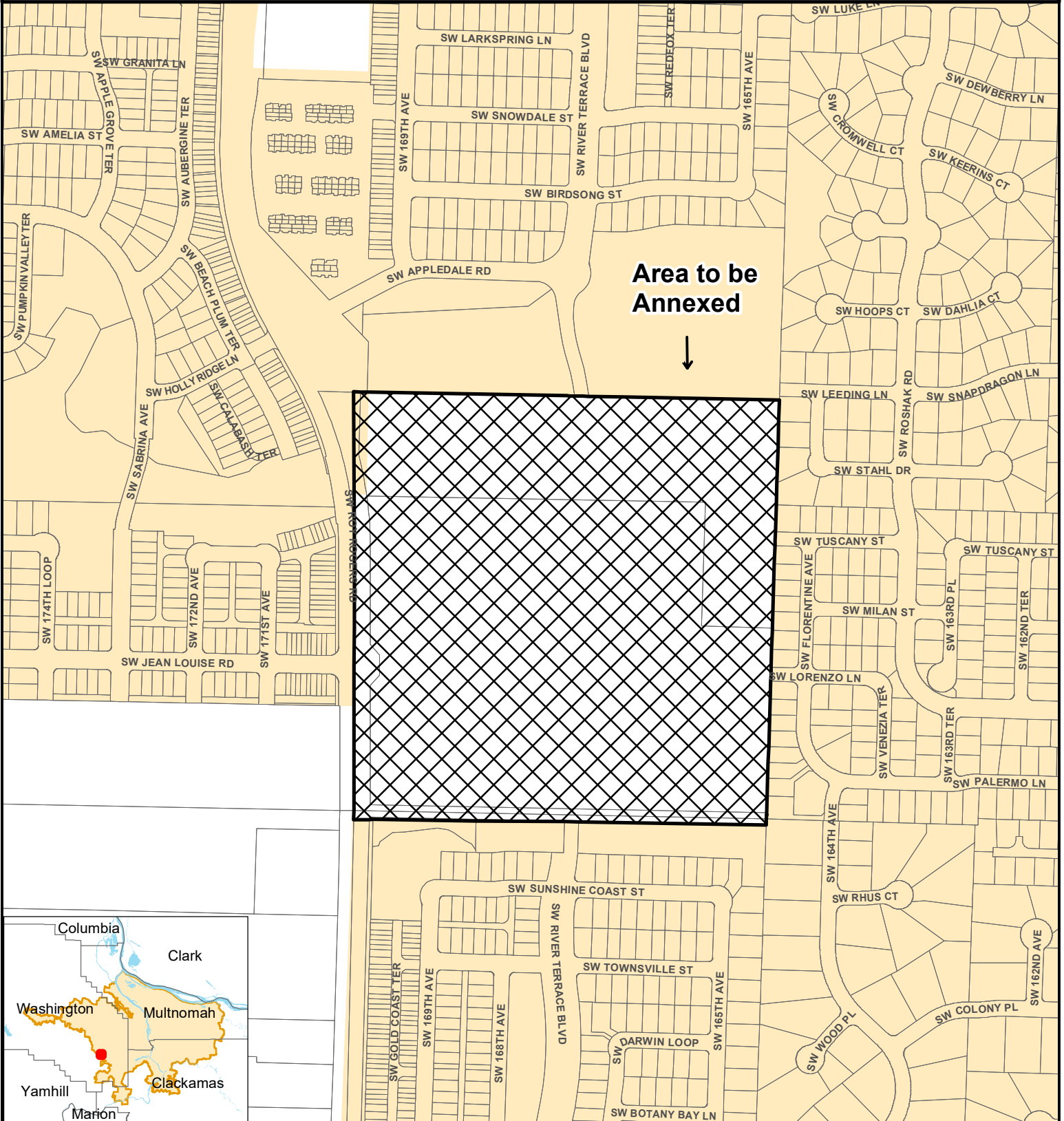
Legal Antecedents: Metro Code 3.09.070 allows for annexation to the Metro District boundary.

Anticipated Effects: This amendment will add approximately 40.10 acres in Tigard to the Metro District. The land is currently within the UGB and approval of this request will allow for the urbanization of the land to occur consistent with the River Terrace Community Plan.

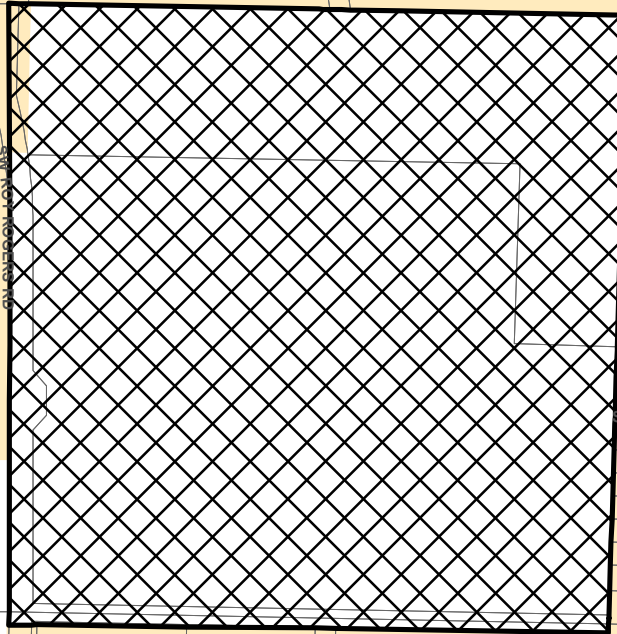
Budget Impacts: The applicant was required to file an application fee to cover all costs of processing this annexation request, thus there is no budget impact.

RECOMMENDED ACTION

Staff recommends adoption of Ordinance No. 22-1480.



Area to be Annexed



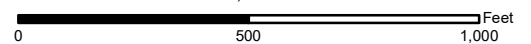
Research Center
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<http://www.oregonmetro.gov/drc>

- Metro District Boundary
- Taxlots

Proposal No. AN0222



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Agenda Item No. 6.1

Ordinance No. 22-1478, For the Purpose of Amending Metro Code Chapter 5.05 to clarify Metro's landfill capacity policy and make housekeeping updates

Ordinance (Second Reading)

Metro Council Meeting
Thursday, June 2nd, 2022

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 22-1478
CODE CHAPTER 5.05 TO CLARIFY METRO’S)	
LANDFILL CAPACITY POLICY AND MAKE	)	Introduced by Chief Operating Officer
HOUSEKEEPING UPDATES	)	Marissa Madrigal in concurrence with
	)	Council President Lynn Peterson

WHEREAS, Metro is the solid waste system planning authority for the region and Metro regulates the solid waste system pursuant to its constitutional, statutory, and charter authority as set forth in Metro Code Title V and in accordance with the Regional Waste Plan; and

WHEREAS, Metro Code Chapter 5.05 contains the requirements for Solid Waste Flow Control; and

WHEREAS, Metro regulates the disposal of solid waste generated within the Metro jurisdictional boundary through the issuance of non-system licenses and designated facility agreements as set forth in Metro Code Chapter 5.05; and

WHEREAS, Metro Council adopted a landfill capacity policy (Ordinance No. 17-1401) that prohibits the disposal of solid waste generated within the Metro region at a new landfill or limited capacity landfill; and

WHEREAS, the landfill capacity policy was intended to ensure that solid waste generated within the region did not cause the expansion or construction of a general-purpose landfill; and

WHEREAS, the policy was not intended to affect certain limited-purpose landfills that are permitted to receive hazardous waste or only cleanup material such as contaminated soil and sediment; and

WHEREAS, over the next several years there will be a number of remediation and environmental cleanup projects occurring along the Willamette River which are expected to generate substantial amounts of contaminated sediment that must be disposed in a landfill; and

WHEREAS, the language codified in Chapter 5.05 with respect to the current landfill capacity policy fails to distinguish between general-purpose and limited-purpose landfill types, which alters the intent of Metro’s landfill capacity policy; and

WHEREAS, Metro Code Chapter 5.05 as currently codified would prohibit the disposal of any contaminated sediment at any new landfill or one that seeks expansion regardless of the landfill type; and

WHEREAS, the Chief Operating Officer recommends that Metro Council adopt amendments to Metro Code Chapter 5.05 to clarify that the landfill capacity policy does not apply to limited-purpose landfills that are permitted to receive hazardous waste or only cleanup material to ensure that there is adequate disposal capacity for environmental cleanup material generated within the region; and

WHEREAS, the Chief Operating Officer also recommends that the Metro Council adopt minor housekeeping amendments to Metro Code Section 5.05.055 and other sections of Chapter 5.05 to update code references, remove outdated information, and improve readability; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Chapter 5.05 is amended as set forth in the attached Exhibit A.

ADOPTED by the Metro Council this 2nd day of June 2022.

Lynn Peterson, Council President

Attest:

Approved as to Form:

Connor Ayers, Recording Secretary

Carrie MacLaren, Metro Attorney

CHAPTER 5.05

SOLID WASTE FLOW CONTROL

- 5.05.010 Purpose
- 5.05.020 Special Findings for Solid Waste Flow Control
- 5.05.030 Authority, Jurisdiction, and Application
- 5.05.040 Prohibited Activities
- 5.05.050 Exemptions to Prohibited Activities
- 5.05.055 Limited Capacity [Landfills](#) and New Landfills
- 5.05.060 Designated Facilities of the System
- 5.05.070 Adding Facilities to the Designated Facilities List
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- 5.05.090 Contents of Designated Facility List and Council Adoption Every Five Years
- 5.05.100 Agreements with Designated Facilities
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- 5.05.200 Issuance of Required Use Orders
- 5.05.210 Content of Required Use Orders; Notice
- 5.05.220 Requests for Reconsideration of Required Use Order
- 5.05.230 Appeals to the Hearings Officer
- 5.05.240 Solid Waste Tracking System
- 5.05.250 Solid Waste Flow Control Enforcement; Fines, Penalties and Damages for Violations
- 5.05.270 Contested Case Proceedings

Repealed

- 5.05.010 Definitions
[Repealed Ord. 14-1331]
- 5.05.260 Authority of Chief Operating Officer to Adopt and Amend Rules, Standards, and Forms
[Repealed Ord. 19-1441]

5.05.010 Purpose

- (a) This chapter governs the regulation of solid waste transported, managed and disposed at locations outside the Metro regional boundary. The purposes of this chapter are to:
 - (1) Protect and preserve the health, safety and welfare of Metro's residents;
 - (2) Implement the Regional Waste Plan cooperatively with federal, state and local agencies;
 - (3) Provide a coordinated regional disposal and resource recovery program and a solid waste management plan to benefit all citizens of Metro;
 - (4) Reduce the volume of solid waste disposal through source reduction, recycling, reuse and resource recovery; and
 - (5) Protect the citizens of the region from liability arising from the use of a disposal site subject to federal law.
- (b) The provisions of this chapter shall be liberally construed to accomplish these purposes. [Ord. 16-1389; Ord. 19-1432.]

5.05.020 Special Findings for Solid Waste Flow Control

The Council makes the following findings:

- (a) Metro has limited land and resources for the disposal, transfer and recovery of resources from solid and liquid waste, and it is the Council's responsibility to protect and judiciously utilize Metro's limited land and resources.
- (b) Metro has developed the system as a regional waste disposal and recovery system within the framework of a Regional Waste Plan, and it has done so in cooperation with federal, state and local agencies for the benefit of all Metro citizens.
- (c) Pursuant to the authority granted to Metro under ORS 268, Metro may require any person or class of persons who generate solid or liquid waste to make use of:
 - (1) The system's disposal sites or solid waste facilities, or
 - (2) Metro's designated disposal sites or solid waste facilities.
- (d) ORS 268.317 and ORS 268.360 authorize Metro to require any person or class of persons who pickup, collect, or transport solid or liquid waste to make use of:
 - (1) The system's disposal sites or solid waste facilities, or
 - (2) Metro's designated disposal sites or solid waste facilities.

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- (e) Under the authority granted in ORS 268.317, ORS 268.360 and the Regional Waste Plan, this chapter's provisions authorize Metro to require persons who generate, pickup, collect or transport solid or liquid waste to make use of:
 - (1) The system's disposal sites or solid waste facilities, or
 - (2) Metro's designated disposal sites or solid waste facilities. [Ord. 89-319; Ord. 01-917, Sec. 2; Ord. 02-974; Ord. 16-1389; Ord. 19-1432.]

5.05.030 Authority, Jurisdiction, and Application

- (a) Metro's solid waste flow control authority is derived from ORS Chapter 268 for solid waste and the Metro Charter. It includes the authority to regulate solid waste generated within Metro.
- (b) This chapter governs:
 - (1) The transportation, transfer, disposal and other processing of all solid waste generated within Metro as authorized by state law; and
 - (2) Any person who generates solid waste within Metro; and
 - (3) Any person who transports, transfers, disposes or otherwise deals with or processes solid waste generated within Metro.
- (c) All solid waste regulation is subject to the authority of all other applicable laws, regulations or requirements in addition to those contained in this chapter. Nothing in this chapter abridges or alters the rights of action by the State or by a person that exist in equity, common law, or other statutes to abate pollution or to abate a nuisance. The provisions of this chapter should be liberally construed to accomplish these purposes. [Ord. 89-319; Ord. 01-917, Sec. 3; Ord. 02-974; Ord. 03-1019, Sec. 2; Ord. 16-1389.]

5.05.040 Prohibited Activities

- (a) Unless a person has a valid, Metro-issued non-system license, no person may transport, or cause to be transported, solid waste generated within Metro to any solid waste facility or disposal site.
- (b) No person may falsely state to a system facility operator that solid waste delivered to that facility for disposal was generated outside of Metro if the waste was actually generated inside of Metro.
- (c) No person may direct another person to falsely state to a system facility operator that solid waste delivered to that facility for disposal was generated outside of Metro if the waste was actually generated inside of Metro. A person is deemed to have directed another person to make false statements under this subsection if the person doing the directing knew or reasonably should have known that the person transporting the solid waste to the system facility would falsely state the origin of

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the solid waste being delivered. [Ord. 01-917, Secs. 4-5; Ord. 02-974; Ord. 06-1104; Ord. 16-1389.]

5.05.050 Exemptions to Prohibited Activities

- (a) This chapter does not apply to transportation, transfer or processing of, or other dealing with, non-putrescible source-separated recyclable materials that are either:
 - (i) reused or recycled, or
 - (ii) transferred, transported or delivered to a person or facility that will reuse or recycle them.
- (b) If a designated facility is in compliance with all local, state, federal and Metro regulations, including any agreement entered into between Metro and the system facility, then a non-system license is not required of any person to:
 - (1) Transport solid waste generated within Metro to that designated facility, or
 - (2) Utilize the designated facility for disposing or processing solid waste that was generated within Metro.
- (c) A non-system license is not required for a government agency to transport solid waste to the Covanta Waste-to-Energy facility located in Brooks, Oregon, for the primary purpose of destroying the waste in order to assure public safety or for the public good. Solid waste exempt under this subsection includes, but is not limited to, contraband, postage stamps, expired pharmaceuticals, and lottery tickets. [Ord. 01-917, Secs. 6-7; Ord. 02-974; Ord. 06-1106; Ord. 16-1389.]

5.05.055 Limited Capacity Landfills and New Landfills

- (a) No person may dispose of solid waste generated within the Metro jurisdictional boundary at a limited capacity landfill or new landfill. **Prohibited Use.** After January 1, 2020, disposal of waste generated in the Metro region in a limited capacity landfill or new landfill, as those terms are defined in Metro Code Chapter 5.00, is prohibited.
- (b) Metro will not accept any application for a designated facility or non-system license that seeks to dispose of solid waste generated within the Metro jurisdictional boundary at a limited capacity landfill or new landfill. **Implementation.** Effective January 1, 2020, the Metro Chief Operating Officer must implement the prohibition. Implementation of this section includes, without limitation, the authority to deny an application for designated facility status, terminate a designated facility agreement, deny an application for a non-system license, and terminate a non-system license, for putrescible or non-putrescible waste, where disposal is sought at a limited capacity or new landfill.
- (c) If a solid waste system facility becomes a limited capacity landfill, then within 30 days of becoming a limited capacity landfill Metro will terminate any existing

designated facility agreement and non-system license in effect for that facility.
~~**Final decision and appeal.** Notwithstanding any other provision of the Metro Code, the Metro Chief Operating Officer's decision under this section is final and is appealable only as provided by Oregon law. The Chief Operating Officer's decision under this section is not subject to a contested case proceeding. [Ord. 17-1401, sec. 3.]~~

(d) This section does not apply to a disposal site that holds an applicable permit issued by the appropriate state or federal authority to:

(1) Accept hazardous waste for disposal under Subtitle C of the Resource Conservation Recovery Act; or

(2) Accept only cleanup material such as contaminated soil and sediment.

5.05.060 Designated Facilities of the System

- (a) Designated Facilities. The following described facilities are designated facilities of the system, and the Metro Council finds that these facilities meet the criteria set forth in Metro Code Chapter 5.05:
- (1) Metro owned or operated disposal sites or solid waste facilities.
 - (2) Disposal sites or solid waste facilities within Metro's boundary that are subject to Metro regulatory authority under Chapter 5.01.
 - (3) Disposal sites or solid waste facilities located outside Metro's boundary that the Council designates as part of the system, and which Council authorizes to accept waste generated from inside the Metro boundary under:
 - (A) An agreement between Metro and the disposal site or solid waste facility owner; or
 - (B) A non-system license that Metro issues to the waste generator or the person transporting the waste to the disposal site or solid waste facility.
- (b) The Council will consider a list of designated facilities for adoption by resolution:
- (1) At least every five years as set forth in Metro Code Section 5.05.090; or
 - (2) Any time there is a proposed change to the list under Metro Code Sections 5.05.070 or 5.05.080 pursuant to administrative procedures.
- (c) A disposal site or solid waste facility located outside the Metro boundary may:
- (1) Apply to Metro to become a designated facility of the system; or
 - (2) Request that Metro remove it from the list of designated facilities.

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- (d) The Chief Operating Officer will provide an application form and will consider the factors set forth in Metro Code Section 5.05.070 when determining whether to recommend to the Council any addition to the designated facility list. [Ord. 14-1333; Ord. 14-1334; Ord. 14-1335; Ord. 14-1337; Ord. 16-1389.]

5.05.070 Adding Facilities to the Designated Facilities List

- (a) The Council may add a facility to the list of designated facilities either:
 - (1) On its own motion;
 - (2) Upon the Chief Operating Officer's recommendation; or
 - (3) Upon a facility application under Metro Code Section 5.05.060(c).
- (b) The Council will consider the following factors when deciding whether to add a facility to the designated facilities list:
 - (1) The degree to which Metro had knowledge of prior facility users and waste types accepted at the facility and the degree to which those wastes pose a future risk of environmental contamination;
 - (2) The facility owner's and operator's record of regulatory compliance with federal, state and local requirements, including but not limited to public health, safety and environmental rules and regulations;
 - (3) The adequacy of the facility's operational practices and management controls;
 - (4) The expected impact on the region's recycling and waste reduction efforts;
 - (5) The facility designation's compatibility with Metro's existing contractual arrangements;
 - (6) The facility's record of compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement; and
 - (7) Other benefits or detriments accruing to regional residents if Council designates the facility. [Ord. 14-1337; Ord. 16-1389.]

5.05.080 Removing From and Amending the Designated Facilities List

- (a) The Council may remove a facility from the designated facilities list:
 - (1) On its own motion;
 - (2) Upon the Chief Operating Officer's recommendation; or
 - (3) Upon a facility's request under Metro Code Section 5.05.060(c).
- (b) In deciding whether to remove a facility from the designated facilities list, the Council will consider:

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- (1) Changes in facility operations, including without limitation whether the facility is not operating, whether the facility has changed the type of waste it accepts, or whether the facility has changed the method for accepting the waste;
 - (2) Changes in legal requirements that apply to the facility;
 - (3) The facility's record of regulatory compliance. This includes but is not limited to public health and safety regulations and environmental regulations;
 - (4) Changes in ownership of the facility;
 - (5) Other benefits or detriments accruing to regional residents if Council removes the facility from the list of designated facilities; and
 - (6) Any other factor the Council considers appropriate to accomplish the purposes of this chapter.
- (c) Council may remove a facility from the designated facilities list upon the facility's request under Metro Code Section 5.05.060(c) without considering the factors set forth in subsection (b).
- (d) The Chief Operating Officer may change a facility name or address on the designated facilities list without Council action if no substantive change has occurred as set forth in subsection (b). [Ord. 14-1337; Ord. 16-1389.]

5.05.090 Contents of Designated Facilities List and Council Adoption Every Five Years

- (a) The designated facilities list will include the name and address of:
- (1) The designated facilities located outside the Metro region; and
 - (2) Metro-owned facilities.
- (b) Disposal sites and solid waste facilities within Metro's boundary that are subject to Metro regulatory authority are designated facilities of the system but will not be included on the list described in subsection (a).
- (c) In addition to any resolution adopted under Metro Code Sections 5.05.070 and 5.05.080, the Council will adopt by resolution a list of designated facilities at least every five years. [Ord. 14-1337; Ord. 16-1389.]

5.05.100 Agreements with Designated Facilities

- (a) The Chief Operating Officer may execute an agreement between Metro and a designated facility located outside the region for any solid waste that Council approves pursuant to Section 5.05.070. This authority includes any later amendments to the agreement.

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- (b) An agreement between Metro and a designated facility must specify the types of waste that the facility can accept from within Metro boundaries.
- (c) An agreement between Metro and a designated facility may not authorize the acceptance of non-putrescible waste originating or generated within Metro boundaries if the waste has not yet undergone material recovery, unless:
 - (1) The designated facility receives non-putrescible waste from a facility that Metro has issued a license or franchise pursuant to Chapter 5.01 authorizing such facility to perform material recovery on non-putrescible waste;
 - (2) The designated facility receives non-putrescible waste from a designated facility that has an agreement with Metro authorizing it to perform material recovery on non-putrescible waste; or
 - (3) The designated facility and Metro have an agreement authorizing the facility to perform material recovery on non-putrescible waste pursuant to subsection (d).
- (d) Any agreement between Metro and a designated facility that authorizes the facility to accept non-putrescible waste that (i) has not yet undergone material recovery, (ii) is not comprised of processing residual, and (iii) originated or generated within Metro boundaries, must:
 - (1) Require the designated facility to perform material recovery on the waste; and
 - (2) Demonstrate, in a manner that can be verified and audited, that the processing achieves material recovery substantially comparable to that required of an in-region material recovery facility under Metro Code Section 5.01.260 by either:
 - (A) Meeting the material recovery requirements for all non-putrescible waste received at the facility, whether or not from within Metro boundaries; or
 - (B) Keeping all non-putrescible waste received from within Metro boundaries segregated from other waste throughout processing, keeping processing residual from such processing segregated from other solid waste after processing, and meeting such material recovery requirements for all such non-putrescible waste.
 - (3) Demonstrate, in a manner that can be verified and audited, that the facility substantially complies with:
 - (A) The performance goals described in Metro Code Sections 5.01.090(c) and 5.01.190(c); and
 - (B) The rules, performance standards, design requirements, and operating requirements applicable to licensed and franchised material recovery

facilities operating within the Metro region and adopted by Metro as administrative rules pursuant to Metro Code [Chapter 5.08, Section 5.01.280](#). [Ord. 89-319; Ord. 91-388, Sec. 2; Ord. 92-471C, Sec. 1; Ord. 93-483A, Sec. 1; Ord. 01-917, Sec. 8; Ord. 02-979; Ord. 02-974; Ord. 03-1019, Sec. 3; Ord. 03-999; Ord. 05-1081, Sec. 1; Ord. 05-1083, Sec. 1; Ord. 07-1138, Sec. 4; Ord. 07-1147B, Sec. 10; Ord. 08-1195; Ord. 08-1197A; Ord. 14-1337; Ord. 16-1389.]

5.05.110 Non-System License to Use Non-System Facility

- (a) A non-system license is required for any person to transport, or cause to be transported, any solid waste generated within Metro to any non-system facility for subsequent processing or disposal.
- (b) The Chief Operating Officer may approve or deny applications for non-system licenses to transport residential yard debris containing food waste, residential food waste, non-putrescible waste, special waste and cleanup material.
- (c) The Metro Council may approve or deny an application for a non-system license to transport putrescible waste after the Chief Operating Officer reviews the application. [Ord. 14-1337; Ord. 16-1389.]

5.05.120 Application for Non-System License

- (a) Any person requesting a non-system license must apply to the Chief Operating Officer on forms or in the format that the Chief Operating Officer requires. Applicants may apply for a limited-duration non-system license that has a term of not more than 120 days and is not renewable.
- (b) An application for a non-system license must set forth the following information:
 - (1) The applicant's name and address;
 - (2) The proposed waste generation site location;
 - (3) The nature of the solid waste;
 - (4) The expected tonnage of the solid waste, including:
 - (A) The total tonnage if the application is for a limited duration non-system license; or
 - (B) The annual tonnage if the application is for any other non-system license;
 - (5) The facts and circumstances that the applicant believes justifies Metro to issue the proposed non-system license;
 - (6) The non-system facility at which the solid waste would be transported, disposed of or otherwise processed; and

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- (7) The beginning date of the non-system license (or for limited duration non-system licenses, the non-system license term, not to exceed 120 days).
- (c) The Chief Operating Officer may also require the applicant to provide additional written information as the Chief Operating Officer considers necessary to determine whether to issue the proposed non-system license.
- (d) An applicant for a non-system license that authorizes the licensee to transport non-putrescible waste that has not yet undergone material recovery, is not processing residual, and originated or was generated within Metro boundaries must provide documentation that the non-system facility is in substantial compliance with the facility performance standards, design requirements and operating requirements adopted pursuant to Metro Code Chapter 5.01 for non-putrescible waste material recovery facilities. Any applicant or licensee that is authorized or seeks to deliver non-putrescible waste to a non-system facility must demonstrate that the non-system facility will be in substantial compliance with the material recovery requirements in Metro Code Section 5.01.260. [Ord. 14-1337; Ord. 16-1389.]

5.05.130 Non-System License Application Fees

An applicant must pay an application fee along with the application in an amount as specified in the following table:

Type of Non-System License Application	Application Fee for a New Non-System License	Application Fee for the Renewal of a Non-System License	Application Fee for Change in Authorization to an Existing Non-System License
Non-system licenses that authorize a limited-duration term of 120 days or less.	\$250	Not applicable. Limited-duration non-system licenses are not subject to renewal.	\$250
Non-system licenses that authorize the transport of 500 tons or less of solid waste per year.	\$500	\$100	<ul style="list-style-type: none"> • \$250 for change resulting in authorization of 500 tons or less per year. • \$500 for change resulting in authorization of more than 500 tons per year.

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Non-system licenses that authorize the transport of more than 500 tons of solid waste per year.	\$1,000	\$1,000	\$250
Type of Non-System License Application	Application Fee for a New Non-System License	Application Fee for the Renewal of a Non-System License	Application Fee for Change in Authorization to an Existing Non-System License
Non-system licenses that authorize the transport of waste that is exempt from the payment of Metro's regional system fee.	\$100	\$50	\$50

[Ord. 14-1337; Ord. 16-1389.]

5.05.140 Factors to Consider Regarding Non-System License Issuance

The Chief Operating Officer or Council, as applicable, will consider the following factors to the extent relevant to determine whether to issue a non-system license:

- (1) The degree to which prior users of the non-system facility and waste types accepted at the non-system facility are known and the degree to which those wastes pose a future risk of environmental contamination;
- (2) The non-system facility owner's and operator's regulatory compliance record with federal, state and local requirements, including but not limited to public health, safety and environmental regulations;
- (3) The adequacy of the non-system facility's operational practices and management controls;
- (4) The expected impact on the region's recycling and waste reduction efforts;
- (5) The proposed non-system license's effect with Metro's existing contractual arrangements;
- (6) The applicant's record regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement and with federal, state and local requirements, including but not limited to public health, safety and environmental regulations; and

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- (7) Any other factor the Chief Operating Officer considers appropriate. [Ord. 14-1337; Ord. 16-1389.]

5.05.150 Non-System License Issuance Timetable for Non-Putrescible Waste

- (a) The Chief Operating Officer will issue a non-system license for non-putrescible waste, special waste, cleanup material, yard debris mixed with residential food waste, residential food waste or any other solid waste other than putrescible waste according to the following timelines and circumstances:
- (1) New non-system licenses. Within 60 days after the Chief Operating Officer receives a completed application along with any additional information the Chief Operating Officer may require, the Chief Operating Officer will determine whether to issue the non-system license and will inform the applicant in writing of that determination.
 - (2) Non-system license renewals.
 - (A) A non-system license renewal application must be substantially similar to the existing non-system license with regard to waste type, quantity and destination.
 - (B) A non-system licensee must submit a completed non-system license renewal application at least 60 days before the existing non-system license expires, along with any additional information the Chief Operating Officer may require.
 - (C) The Chief Operating Officer will determine whether to renew the non-system license and will inform the applicant in writing of that determination before the existing non-system license expires.
 - (D) The Chief Operating Officer is not obligated to make a determination earlier than the non-system license's expiration date, even if the licensee files the renewal request more than 60 days before the existing non-system license expires.
- (b) The Chief Operating Officer may impose conditions on the issuance of a new or renewed non-system license for non-putrescible waste as the Chief Operating Officer considers necessary under the circumstances to accomplish the purposes of this chapter. [Ord. 14-1337; Ord. 16-1389.]

5.05.160 Non-System License Issuance Timetable for Putrescible Waste

- (a) The Chief Operating Officer will make recommendations to the Council regarding whether to issue or renew a non-system license for putrescible waste. If the Chief Operating Officer recommends that Council issue or renew the non-system license for putrescible waste, the Chief Operating Officer will recommend to the Council specific conditions of the non-system license.

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- (b) New non-system licenses. The Council will determine whether to issue the non-system license and will direct the Chief Operating Officer to inform the applicant in writing of that determination within 120 days after Metro receives a completed application for a non-system license for putrescible waste, including receipt of any additional information the Chief Operating Officer may require.
- (c) Non-system license renewals.
 - (1) An application for renewal of an existing non-system license must be substantially similar to the existing non-system license with regard to waste type, quantity and destination.
 - (2) A non-system licensee must submit a completed application to renew the non-system license at least 120 days before the existing non-system license expires, along with any additional information the Chief Operating Officer requires.
 - (3) The Council will determine whether to renew the non-system license. The Council will inform the applicant in writing of that determination before the existing non-system license expires.
 - (4) The Council is not obligated to make a determination earlier than the expiration date of the existing non-system license, even if the licensee files its renewal request more than 120 days before the existing non-system license expires.
- (d) The Chief Operating Officer or Council, as applicable, may impose conditions on the issuance of a new or renewed non-system license for putrescible waste as they consider necessary under the circumstances. [Ord. 14-1337; Ord. 16-1389.]

5.05.170 Issuance of Non-System License; Contents

Each non-system license must be in writing and must set forth the following:

- (1) The name and address of the waste hauler or other person to whom Metro issues the non-system license;
- (2) The nature of the solid waste allowed by the non-system license;
- (3) The maximum total, weekly, monthly or annual quantity of solid waste allowed by the non-system license;
- (4) The non-system facility where the licensee will transport the solid waste allowed by the non-system license, or the facilities at which the licensee will otherwise process the solid waste;
- (5) The expiration date of the non-system license. The expiration date may not be more than:
 - (A) 120 days from the issue date for a limited-duration non-system license;

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- (B) Three years from the issue date for a new full-term non-system license; and
 - (C) Two years from the issue date of a renewed full-term non-system license.
 - (D) Notwithstanding the provisions of this subsection, the Chief Operating Officer may extend the term of any non-system license for up to an additional six months beyond the original expiration date.
- (6) Any conditions the Chief Operating Officer imposes as provided above and which the licensee must comply with during the non-system license term, including but not limited to conditions that address the factors in Section 5.05.140. [Ord. 14-1337; Ord. 16-1389.]

5.05.180 Non-System Licensee Requirements

Each non-system licensee is required to:

- (1) Maintain complete and accurate records of, including but not limited to, the information required by the Chief Operating Officer regarding all solid waste transported, disposed or otherwise processed pursuant to the non-system license, and make those records available to Metro or its duly designated agents for inspection, auditing and copying upon not less than three days written notice from Metro;
- (2) Report to Metro the number of tons of solid waste transported, disposed or otherwise processed each month pursuant to the non-system license by no later than the 15th day following the end of each month;
- (3) Pay to Metro a fee equal to the Regional System Fee and Excise Tax multiplied by the number of tons (or fractions thereof) of solid waste transported, disposed or otherwise processed each month ~~pursuant to in accordance with the non-system license and Chapters 5.02 and 7.01; by no later than the 15th day following the end of each month;~~
- (4) When solid waste generated from within the Metro boundary is mixed in the same vehicle or container with solid waste generated outside the Metro boundary, the licensee must report to Metro that the load in its entirety was generated within the Metro boundary. The licensee must pay the Regional System Fee and Excise Tax on the entire load unless the non-system licensee provides Metro with records demonstrating the total weight of the solid waste in the vehicle or container that was generated within the Metro boundary; and
- (5) Comply with all conditions and requirements found in the non-system license. [Ord. 14-1337; Ord. 16-1389.]

5.05.190 Failure to Comply with Non-System License

- (a) If a non-system licensee fails to comply with the requirements set forth in Section 5.05.180 or with any non-system license condition imposed pursuant to Section 5.05.170, the Chief Operating Officer may:
 - (1) Impose penalties, or
 - (2) Modify, suspend, or terminate the non-system license pursuant to Section 5.05.250.
- (b) If the Chief Operating Officer finds a violation, the Chief Operating Officer will provide written notice to the licensee describing the violation and requiring the licensee to correct the violation within the time specified in the notice. [Ord. 89-319; Ord. 91-388; Ord. 01-917, Sec. 9; Ord. 02-979; Ord. 02-974; Ord. 03-992B, Sec. 1; Ord. 03-1019, Sec. 4; Ord. 06-1098B, Sec. 3; Ord. 06-1105; Ord. 07-1138, Sec. 5; Ord. 07-1139, Sec. 3; Ord. 07-1161, Sec. 2; Ord. 07-1147B, Sec. 11; Ord. 14-1337; Ord. 16-1389.]

5.05.195 Putrescible Waste Tonnage Allocation Framework

- (a) The Chief Operating Officer will allocate putrescible waste tonnage amounts to a transfer station in accordance with the allocation methodology under applicable administrative rule and this chapter's requirements.
- (b) The Chief Operating Officer may allocate tonnage to either a transfer station that is designated under this chapter or franchised under Chapter 5.01.
- (c) In addition to the allocation methodology factors adopted by administrative rule, the Chief Operating Officer may also consider the following factors when allocating tonnage amounts annually to a transfer station located outside the regional boundary:
 - (1) The public benefits to the regional solid waste system;
 - (2) How the allocation will affect regional solid waste system;
 - (3) How the allocation will affect the proportional amount of regional tonnage reserved for Metro's transfer stations (a minimum of 40 percent of the regional tonnage is to be reserved for Metro transfer stations);
 - (4) The proportional amount of regional tonnage allocated to companies;
 - (5) The rate that the transfer station charges for accepting putrescible waste from the Metro region; and
 - (6) Any other factor the Chief Operating Officer considers relevant to achieve the purposes and intent of this section.
- (d) The Chief Operating Officer may further adjust a transfer station's tonnage allocation at other times if it is in the public interest and necessary to address a significant disruption as defined in Chapter 5.00. An adjustment under this subsection does not require Council approval.

EXHIBIT A TO ORDINANCE NO. 22-1478

- (e) The Chief Operating Officer may not allocate more than 40 percent of the available regional tonnage to any combination of transfer stations owned by the same company. [18-1426.]

5.05.196 Obligations and Limits for Selected Types of Activities

- (a) To be eligible to receive a tonnage allocation from Metro when a transfer station is located outside the Metro regional boundary, the transfer station must:
 - (1) Be a designated facility in accordance with 5.05.070; and
 - (2) Enter into an agreement with Metro in accordance with 5.05.100.
- (b) A designated transfer station that received putrescible waste from the Metro region must:
 - (1) Demonstrate it has the authorization from the applicable local or state solid waste authority to accept solid waste from the Metro region;
 - (2) Allow Metro to inspect, monitor, review and audit as if it were a facility located inside the regional boundary in accordance with Chapters 5.01, ~~250, 5.01.260, 5.01.270 and 5.01.290;~~
 - (3) Report information monthly to Metro on all solid waste accepted or rejected that was generated from within the Metro regional boundary;
 - (4) Collect and remit regional system fees to Metro monthly in accordance with Chapter 5.02 on all solid waste accepted from the Metro regional boundary; and
 - (5) Collect and remit excise taxes to Metro monthly in accordance with Chapter 7.01 on all solid waste accepted from the Metro regional boundary.

Any person may request or the Chief Operating Officer may initiate an investigation of a designated facility to ensure that it complies with this section. [18-1426.]

5.05.200 Issuance of Required Use Orders

- (a) The Chief Operating Officer may issue a “required use order” to any person within Metro. This order requires the recipient to deliver waste to a specific designated facility. The Chief Operating Officer must comply with the provisions of this section and Section 5.05.210 if the Chief Operating Officer issues a required use order.
- (b) The following priorities apply when determining whether to issue a required use order:
 - (1) Metro will allow persons to use the designated facility of their choice to the extent doing so is consistent with state, Metro and local regulations, facility obligations and facility limitations; and
 - (2) It may be necessary for the Chief Operating Officer to override the facility choice of a person if the Chief Operating Officer finds that allowing specific persons to exercise their choice appears likely to:

EXHIBIT A TO ORDINANCE NO. 22-1478

- (A) Overload or underutilize a specific designated facility or facilities; or
 - (B) Create system inefficiencies or negative impacts on the public health, safety or welfare as specified by the Chief Operating Officer.
- (c) When determining whether it is necessary to issue or amend a required use order, the Chief Operating Officer will consider the following factors:
- (1) The location of the person's route and/or facilities in relation to designated facilities, in terms of travel time and/or distance;
 - (2) The equipment being utilized by the person at the time of the order's issuance in relation to the equipment handling capabilities of designated facilities;
 - (3) The types of waste being disposed of by the person, in relation to the capabilities of designated facilities to most appropriately process those wastes; and
 - (4) Other considerations that the Chief Operating Officer finds relevant, including but not limited to other health, safety and welfare considerations. [Ord. 89-319; Ord. 91-388, Sec. 3; Ord. 01-917, Sec. 11; Ord. 02-974; Ord. 14-1337; Ord. 16-1389.]

5.05.210 Content of Required Use Orders; Notice

- (a) Required use orders will contain the following:
- (1) The names of the persons subject to the required use order, together with the person's address or place of business and telephone number;
 - (2) The type and quantity of solid waste subject to the required use order;
 - (3) The name and location of the designated facility that the recipient is required to use;
 - (4) The effective date of the required use order. Absent an emergency, the effective date may not be less than 10 days from the date of the order;
 - (5) A brief description of the procedure for how a recipient may request that the Chief Operating Officer reconsider either issuance or specific details of the order; and
 - (6) Any other information the Chief Operating Officer considers necessary.
- (b) Within two days after the date of any required use order, the Chief Operating Officer will give notice of the required use order as follows:
- (1) By United States mail, postage prepaid, to each person subject to the required use order at the person's last known address; and
 - (2) By any other method that the Chief Operating Officer considers necessary, and most likely, to ensure actual notice to the person subject to the order.

- (c) The failure of any person subject to a required use order to receive notice of the order does not affect the order's validity and it does not excuse any person from complying with the order's terms. [Ord. 89-319; Ord. 91-388, Sec. 4; Ord. 14-1337; Ord. 16-1389.]

5.05.220 Requests for Reconsideration of Required Use Order

- (a) Any person receiving a required use order may request that the Chief Operating Officer reconsider issuance of the order or specific details of the order. The requesting person may premise the request on any matter that was relevant to the order's issuance, as specified in Metro Code Section 5.05.200.
- (b) A request for reconsideration must be in writing and on a form provided by Metro. To be timely, the Chief Operating Officer must receive a request for reconsideration within 30 days of the required use order's issuance date, as specified in the order.
- (c) The Chief Operating Officer will review a request for reconsideration and, within 15 days of receipt, either affirm or modify the order.
 - (1) The affirmance or modification will be considered timely if Metro deposits it in the mail within the 15-day period, with regular first class postage and addressed to the person requesting review.
 - (2) The affirmance or modification must include a brief statement of the decision's basis, and a brief statement on how the requesting party may request that the Chief Operating Officer review the decision.
- (d) The reconsideration process is intended to be informal. It may include personal, written, or telephone contact between the requesting party and the Chief Operating Officer or Finance and Regulatory Services staff.
- (e) If the Chief Operating Officer fails to issue a timely decision, the person receiving the order may appeal the decision to a hearings officer as specified in Metro Code Section 5.05.230.
- (f) A request for reconsideration does not stay the order issued. A required use order is effective on the date issued, and will remain in effect until Metro modifies or revokes the order. [Ord. 91-388, Sec. 5; Ord. 02-974; Ord. 14-1337; Ord. 16-1389.]

5.05.230 Appeals to the Hearings Officer

- (a) Any person receiving a required use order may appeal the order to a hearings officer. The hearings officer may review any matter that was relevant to the order's issuance, as set forth in Metro Code Section 5.05.200.
- (b) An appeal to the hearings officer must be in writing and on a form provided by Metro. The hearings officer must receive the appeal within 30 days of the order's issuance date or affirmance date.

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- (c) Within 15 days of receiving the appeal, the hearings officer must issue a written order either affirming or modifying the Chief Operating Officer's decision.
 - (1) The hearings officer's order is timely if it is deposited in the mail within the 15-day period, with regular first class postage and addressed to the appellant.
 - (2) The hearings officer's order must include a brief statement of the basis for the decision, and a brief statement of the process for contested case review of the decision by the Council.
- (d) If the appellant is not satisfied with the hearings officer's order, or if the hearings officer fails to issue a timely order, the person receiving the Order may appeal the order to the Council as a contested case proceeding. The contested case hearing will be limited to the following whether:
 - (1) Exceptional circumstances of the person justify Council to revoke or modify the order; or
 - (2) The order is likely to cause extreme financial hardship to the person subject to the order.
- (e) An appeal does not stay the order issued. A required use order is effective on the date issued and remains in effect until modified or revoked. [Ord. 91-388, Sec. 5; Ord. 02-974; Ord. 14-1337; Ord. 16-1389.]

5.05.240 Solid Waste Tracking System

The Chief Operating Officer will maintain a system for tracking solid waste that is generated, collected, transported or disposed within or outside Metro for the purpose of ensuring compliance with the requirements of this chapter. [Ord. 89-319; Ord. 02-974; Ord. 14-1337; Ord. 16-1389.]

5.05.250 Solid Waste Flow Control Enforcement; Fines, Penalties and Damages for Violations

- (a) Any person who violates any provision of this chapter, any non-system license condition, or a required use order is subject to the fines and penalties set forth in this section.
- (b) The Chief Operating Officer may assess the following fines and penalties:
 - (1) A fine not to exceed \$500 for each violation; and
 - (2) A revocation of credit by Metro for the use of any system facility until the violator pays in full all fines owing under this chapter as a result of any violation.
- (c) In addition to the fines and penalties in subsection (b):

EXHIBIT A TO ORDINANCE NO. 22-1478

- (1) Any person who fails to comply with any non-system license condition must pay to Metro a fine in an amount equal to (i) the regional system fee multiplied by (ii) the number of tons (or fractions thereof) of solid waste generated within Metro transported, disposed of or otherwise processed in violation of the non-system license conditions;
 - (2) Any person who, without having a non-system license then in effect, transports solid waste generated within Metro to, or utilizes or causes to be utilized for the processing or disposal of any solid waste generated within Metro, any non-system facility must pay to Metro a fine in an amount equal to the non-system license application fee that would have otherwise been required to authorize the waste disposed, plus an amount equal to the regional system fee and excise tax multiplied by the number of tons (or fractions thereof) of solid waste generated within Metro transported, recycled, disposed of or otherwise processed to or at any non-system facility; and
 - (3) Any person who violates Metro Code Section 5.05.040(b) by falsely stating the origin of waste transported to a system facility must pay to Metro a fine in an amount equal to the regional system fee and excise tax multiplied by the number of tons (or fractions thereof) of solid waste generated within the Metro regional boundary transported to the system facility.
- (d) Metro may commence an appropriate legal action to collect the fines and penalties provided for above. Metro may also seek to enjoin any violation of this chapter or any failure to comply with any condition of a non-system license or required use order.
- (e) An authorized gatehouse employee may enforce a required use order at any Metro facility by denying facility access to any person if the person is:
- (1) Subject to a required use order, and
 - (2) Attempting to deliver waste to a facility not specified in the required use order.

This enforcement is in addition to the fines and penalties that Metro may levy pursuant to this section. [Ord. 89-319; Ord. 91-388, Sec. 6; Ord. 01-917, Sec. 12; Ord. 02-974; Ord. 03-992B, Sec. 2; Ord. 06-1104; Ord. 14-1337; Ord. 16-1389.]

5.05.260 [Repealed Ord. 19-1441; Effective February 19, 2020]

5.05.270 Contested Case Proceedings

Any person wishing to contest any decision made by the Chief Operating Officer under this chapter may commence a contested case proceeding pursuant to Chapter 2.05 of the Metro Code. [Ord. 89-319; Ord. 02-974; Ord. 14-1337; Ord. 16-1389.]

IN CONSIDERATION OF ORDINANCE NO. 22-1478 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.05 TO CLARIFY METRO'S LANDFILL CAPACITY POLICY AND MAKE HOUSEKEEPING UPDATES

Date: April 29, 2022

Prepared by: Warren Johnson
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Department: Waste Prevention and
Environmental Services

Presenter: Warren Johnson

Meeting date: May 19, 2022

Length: 15 minutes

ISSUE STATEMENT

Metro staff seek to amend Metro Code Chapter 5.05 to clarify that Metro's landfill capacity policy does not apply to certain limited-purpose landfills that are permitted to receive hazardous waste or only cleanup material such as contaminated soil and sediment.

As currently codified, Metro Code Section 5.05.055 does not distinguish between general-purpose and limited-purpose landfill types, which alters the intent of Metro's landfill capacity policy.

ACTION REQUESTED

Adopt Ordinance No. 22-1478 to amend Metro Code Chapter 5.05 to clarify that the landfill capacity policy does not apply to limited-purpose landfills that are permitted to receive hazardous waste or only cleanup material such as contaminated soil or sediment.

In addition, adoption of the proposed ordinance would make minor housekeeping amendments to Metro Code Section 5.05.055 and other sections of Chapter 5.05 to update code references, remove outdated information, and improve readability.

IDENTIFIED POLICY OUTCOMES

The proposed amendments would clarify that the landfill capacity policy does not apply to certain types of limited-purpose landfills to ensure that there is adequate disposal capacity for environmental cleanup material generated within the region.

POLICY QUESTION(S)

1. Should Metro clarify its landfill capacity policy to ensure that there is adequate disposal capacity for environmental cleanup material that is generated within the region?
2. Should Metro Council amend Metro Code Chapter 5.05 to clarify that Metro's landfill capacity policy does not apply to certain limited-purpose landfills that are permitted to receive hazardous waste or only cleanup material such as contaminated soil or sediment?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

1. Adopt the proposed amendments to Metro Code Chapter 5.05 to clarify Metro's landfill capacity policy as described in this staff report. This option will ensure that there is adequate disposal capacity for environmental cleanup material that is generated within the region.
2. Adopt alternate amendments to Metro Code Chapter 5.05 that are different than those described in this staff report. The potential implications of this option are unknown at this time because they would be dependent on the extent of the alternate proposal.
3. Do not adopt the proposed amendments. This option would result in maintaining the landfill capacity policy as codified and prohibit the region's waste from being disposed of at any new landfill or one that seeks expansion. This option may affect the proper disposal of environmental cleanup material such as contaminated soil and sediment.

STAFF RECOMMENDATION

Staff recommends adoption of Ordinance No. 22-1478 to amend Metro Code Chapter 5.05 to clarify Metro's landfill capacity policy as described in this staff report.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

Adoption of Ordinance No. 22-1478 would result in amending Metro Code Chapter 5.05 to clarify that the landfill capacity policy does not apply to limited-purpose landfills that are permitted to receive hazardous waste or only cleanup material such as contaminated soil or sediment. The proposed ordinance also includes minor housekeeping revisions to update code references, remove outdated information, and improve readability as described below and provided in Exhibit A.

Staff recommends updating Metro Code Chapter 5.05 as described below:

1. Add Section 5.05.055(d) to clarify that the landfill capacity policy does not apply to landfills that are permitted to accept hazardous waste or landfills that accept only cleanup material such as contaminated soil or sediment.

2. Update language in Section 5.05.055 to remove passive voice and revise sentence structure for ease of reading. Update table of contents to align with section title.
3. Update Metro Code Section 5.05.100(d)(3)(B) with cross reference to Chapter 5.08.
4. Remove outdated reference to regional system fee and excise tax payments in Section 5.05.180(3) and update section with cross reference to Chapters 5.02 and 7.01.
5. Update Metro Code Section 5.05.196(b)(2) with cross reference to Chapter 5.01.

KNOWN OPPOSITION

Staff understands that there may be general opposition to expanding or constructing limited-purpose landfills; however, at this time there is no known opposition to the proposed revisions to Metro Code Chapter 5.05. The proposed ordinance does not authorize or direct the expansion or construction of any new landfills, but rather seeks to ensure that there is adequate disposal options for hazardous waste and cleanup material generated within the region. The Oregon Department of Environmental Quality (DEQ) is responsible for permitting and monitoring landfills within the state.

PUBLIC OUTREACH

DEQ staff informed Metro staff that there is a need to maintain adequate capacity to properly manage and dispose of any contaminated sediments generated within the region. There are a number of upcoming remediation and cleanup projects along the Willamette River that are expected to generate millions of tons of contaminated sediment that will require disposal over a period of many years. DEQ staff support Metro's clarification of the landfill capacity policy so that it does not impede any efforts to cleanup Willamette River or restrict the proper disposal of any contaminated sediment that is removed from the environment.

LEGAL ANTECEDENTS

Metro Charter, Title V of the Metro Code and ORS Chapters 268 and 459.

ANTICIPATED EFFECTS

Adoption of Ordinance No. 22-1478 would result in amending Metro Code Chapter 5.05 to clarify Metro's landfill capacity policy as provided in Exhibit A.

BUDGET IMPACTS

There are no expected budget impacts associated with the adoption of this ordinance. Metro will continue to collect the regional system fee and excise tax on Metro area waste at the time of disposal. In general, Metro assesses a reduced regional system fee and excise tax rate of \$3.50 per ton on cleanup material including contaminated sediments.

BACKGROUND

In 2017, Council adopted a landfill capacity policy that prohibits the disposal of the region's waste at any new landfill or any landfill that seeks expansion after May 2017. This policy was adopted around the time that Riverbend Landfill (located in Yamhill County) was going through an extended process to expand its disposal capacity. The policy was intended to ensure that the region's residential and business waste didn't cause the expansion or construction of a general-purpose landfill. As currently codified, the policy applies to all landfills, regardless of the type of landfill or the waste they accept.

There are a number of upcoming remediation and cleanup projects along the Willamette River that are expected to generate millions of tons of contaminated sediment that will require disposal over a period of many years. The United States Environmental Protection Agency estimates that the removal of contaminated sediments will begin in about five to eight years and take about 13 years to complete. For perspective, the Metro tri-county area generates about 1.5 million tons of solid waste per year.

In particular, DEQ estimates that the Portland Harbor Superfund site alone will generate about three million tons of contaminated sediment that will need to be disposed of in a landfill. DEQ anticipates that some of the contaminated sediment from these cleanup projects will be eligible for disposal in a RCRA Subtitle D landfill ("general-purpose landfill"), of which the region has over a hundred years of disposal capacity at current waste generation rates. However, it may be necessary to dispose of some of the contaminated sediments in a RCRA Subtitle C landfill ("hazardous waste landfill") or a specialized sediment disposal site. The region may need additional disposal capacity with these types of limited-purpose landfills due to the nature, quantity, and location of the waste from these upcoming environmental cleanup projects. For example, Chemical Waste Management Landfill (a hazardous waste landfill located in Gilliam County) will soon seek expansion, in part, to accommodate contaminated material generated from environmental cleanup efforts along the Willamette River.

As currently codified, Metro's landfill capacity policy would prohibit the disposal of contaminated sediment at any new landfill or one that seeks expansion. DEQ staff have expressed concern to Metro about that current prohibition on disposal and its potential impact on cleanup efforts because all of the contaminated sediment removed from the Portland Harbor Superfund Site must be disposed of in a landfill.

The landfill capacity policy was initially adopted in the context of household garbage being disposed of at a general-purpose landfill (such as Riverbend Landfill), but it was not intended to affect certain limited-purpose landfills that are permitted to receive hazardous waste (such as Chemical Waste Management). The language codified in Chapter 5.05 with respect to the current landfill capacity policy fails to distinguish between general-purpose and limited-purpose landfill types, which alters the intent of Metro's landfill capacity policy.

Metro staff recommends that Metro Council adopt Ordinance No. 22-1478 which amends Metro Code Chapter 5.05 to clarify that the landfill capacity policy does not apply to limited-purpose landfills permitted to receive hazardous waste or only cleanup material to ensure that there is adequate disposal capacity for environmental cleanup material generated within the region.

ATTACHMENTS

None

Agenda Item No. 7.1

**Notice of Funding Availability for Parks and Nature Bond Large Scale Community Visions
Program**

Other Business

Metro Council Meeting
Thursday, June 2nd, 2022

PARKS AND NATURE BOND ADVANCING LARGE SCALE COMMUNITY VISIONS PILOT PROGRAM

Date: May 13, 2022
Department: Parks and Nature
Meeting Date: June 2, 2022

Prepared by: Brian Moore
Presenter(s): Jon Blasher, Brian Moore
Length: 30 minutes

ISSUE STATEMENT

What does it mean to advance large scale community visions? It means funding large-scale projects that uplift communities by leveraging nature to achieve benefits such as job opportunities, affordable housing, and safe reliable transportation (the “Community Visions Program”). On November 5, 2019, voters in greater Portland overwhelmingly approved a \$475 million parks and nature bond measure, thereby creating a program under which a portion of the total Bond Measure proceeds would be allocated to funding large-scale projects that uplift communities by leveraging nature to achieve benefits such as job opportunities, affordable housing, and safe reliable transportation. The Bond Measure requires the Metro Council to designate a proposal and project review process for the Community Visions Program.

Staff has since prepared a program framework for the Community Visions Program (Attachment 1) that documents the goals and objectives of the program and establishes procedures to fund projects that meet the criteria of the program. This framework is intended to function as a pilot program, allowing staff, under the direction of Metro’s Chief Operating Officer, to update and evolve the program in response to its effectiveness in the first year so that it may best serve the goals of the bond measure and meet the needs of the community in the future.

The purpose of this presentation is to provide Council an opportunity to discuss the program structure, criteria, solicitation, and selection process. Once Council has finalized the program approach, staff can finalize the handbook and use it to create a notice of funding availability to begin soliciting project ideas prior to fall 2022.

Staff will work with the COO’s office to keep Council updated on projects that are submitted in response to the NOFA.

ACTION REQUESTED

Staff requests Council’s input on the program structure, criteria, solicitation, and selection process in advance of finalizing the Large Scale Community Visions Pilot Program Handbook. The handbook, once finalized with Council’s feedback from the June 2 meeting,

will be submitted to Council June 23 for consideration and approval in accordance with the 2019 bond and will address the first program year for Large Scale Community Visions.

IDENTIFIED POLICY OUTCOMES

Council direction has and will continue to shape the Large Scale Community Visions Pilot Program. Projects awarded under the program are expected to deliver on policy outcomes identified in the 2019 parks and nature bond which are to protect land and water and align with regional conservation goals, strengthen our region's climate resilience and benefit communities who have been historically excluded from decision making or haven't benefitted equitably from past investments. Projects awarded under this program will deliver significant capital investments that uplift communities by leveraging nature to improve jobs, housing, and safe transportation.

POLICY QUESTION(S)

Does the approach outlined in the draft handbook for implementing the bond criteria through the LSCV pilot program meet Council's expectations and priorities for shaping this program and selection process?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

The proposed program is developed from bond goals and objectives described in the 2019 parks and nature bond as well as program implementation experience gleaned from the 2019 bond's other grant and allocation programs. More detail about the proposed program parameters can be found in Attachment A. Further, the program is intended to function as a Pilot Program that will be updated based on program successes and challenges in the first cycle.

STAFF RECOMMENDATIONS

Staff recommends that this pilot program provide an adaptive approach to allow for a wide variety of projects to be considered for funding, as opposed to a prescriptive approach that might lessen the initial reach of the program.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

Staff has received inquiries from both community organizations and local jurisdictions regarding the potential of their projects to receive funding from this program. Once a process is approved, Metro staff will open a solicitation period and begin working with potential applicants to determine if their projects fit within the broad expectations of the Program. Once staff and the applicants determine their project is well aligned, a full application will be submitted to staff and evaluated against the criteria identified in the process approved by Council. Projects, once evaluated by staff, will be presented to Metro Council for consideration and eventual funding approval.

PN's suite of grant and allocation programs—The Parks and Nature department is experienced in managing several bond and levy funded grant programs that support land acquisition, restoration and park improvements that have helped re-green neighborhoods, foster public/private partnerships and allow communities to experience nature at the neighborhood scale. It is important to situate this program within the context of PN's other bond and levy grant programs including the 2019 parks and nature bond's local share allocation to the region's 27 park providers, the 2019 parks and nature bond's Nature in Neighborhoods capital grants program. What distinguishes the bond's large scale community visions program is the unique intersection of nature, housing, transportation, and jobs that addresses the region's livability.

Cross-departmental collaboration—Metro Council has asked staff to leverage inter-departmental coordination to launch several of the parks and nature bond programs and the proposed program approach that staff will be presenting reflects ongoing collaboration and coordination between Parks and Nature and Planning and Development. This collaboration will continue into the development of the NOFA and will expand to leverage the expertise and advice of Metro's Planning, GAPD, DEI and other departments.

BACKGROUND

On November 5, 2019, Greater Portland voters overwhelmingly approved a \$475 million Metro parks and nature bond measure with the following program areas and allocations:

- Protect and restore land (\$155 million)
- Support local projects – “Local Share” (\$92 million)
- Nature in Neighborhood capital grants (\$40 million)
- Take care of Metro parks (\$98 million)
- Create trails for walking and biking (\$40 million)
- Advance large-scale community visions (\$50 million)

Community Visions program details from the 2019 bond indicate that “Metro Council will designate a proposal and project review process.” The Community Visions framework combines bond criteria, program activities, criteria, and detail with additional requirements intended to achieve the broad goals identified through specific community driven capital projects.

At previous work sessions and in Council briefings, Council helped shaped a working definition of the Large Scale Community Visions program as one that invests in habitat, connection to nature, and green infrastructure that plays a key role in supporting a community driven vision for equitable redevelopment that better connects housing, transportation, and nature. Council also emphasized the importance of identifying projects that are geographically distributed around the region and projects that demonstrate a true commitment to creating natural area. In addition, Council has asked about opportunities to explore lower mandatory matches and an acknowledgement that there are significant risks in these kinds of projects. The proposed program document for review has been shaped and reflects this direction.

Pending the Council discussion at the work session, staff plans to return at the June 23 Council meeting with a refined handbook for Council approval that reflects Council direction leading up to and at the June 2 work session.

ATTACHMENTS

- Is legislation required for Council action? Yes No
- If yes, is draft legislation attached? Yes No
- What other materials are you presenting today?
- Large Scale Community Visions Framework Document (Attachment 1)

Large Scale Community Visions Pilot Program Framework

2022-2023 PILOT PROGRAM GENERAL PROCESS

DRAFT

PROGRAM SUMMARY

The Metro Council seeks to inspire innovative capital projects that improve the coordination of ecological restoration, provision of housing, and safety of transportation in the Metro region. This can be accomplished through the development or restoration of outdoor, natural spaces that are or will be in public ownership. The first funding cycle of the Community Visions Program will make \$10 million available for Funding for the Community Visions Program is made possible thanks to the voter-approved 2019 parks and nature bond measure.

ELIGIBILITY REQUIREMENTS

Any project must fulfill the following minimum requirements to be eligible for funding:

- The project must be a capital project
- The project must have at least two contiguous components:
 - 1) Habitat restoration (“Component 1”); and
 - 2) Housing; and/or transportation; and/or commercial improvements (“Component 2”)
- The total project (Component 1 + Component 2) cost must be at least \$6,000,000.
- The total cost for Component 1 must be at least \$2,000,000.
- The project must have committed matching funding in the following amounts: Component 1 funding equal to or greater than the grant request and total project funding equal to or greater than five times the grant request.
- The project must be on publicly-owned property or result in a publicly-owned asset.
- The project must be within Metro’s jurisdictional boundary.
- The project must include public and community partners.

PROPOSAL AND PROJECT REVIEW PROCESS & TIMELINE

Interested parties can submit a letter of interest at any time between June 6, 2022 and August 31, 2022. Full applications will be accepted by invitation only.

- Letters of Interest accepted between Summer 2022
- Full applications deadline Fall 2022
- Project funding recommendations and Metro Council Awards Winter 2023
- Grant agreements executed Spring 2023
- Project completion dates will be determined based on individual project characteristics, and in all cases must demonstrate urgency and timeliness with project milestones.

PROGRAM OUTCOME AND PURPOSE

All projects must demonstrate best efforts to meet or exceed the goals of the program: to uplift communities by leveraging nature to achieve benefits such as job opportunities, affordable housing and safe, reliable transportation.

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Contact Metro's Large Scale Community Visions Program Manager at LSCV@oregonmetro.gov to request hard copies of these documents.

Large Scale Community Visions Program Manager
600 NE Grand Ave.
Portland, OR 97232
503-797-1700
LSCV@oregonmetro.gov

Application instructions and forms for 2022-2023 Pilot Program Funding

- Letter of interest instructions
- Full application instructions will be sent to applicants upon invitation to submit
- Application cover sheet
- Line item budget form
- Matching resources form

Template documents include

- Conservation easement
- Sample agreement with a community group
- Sample IGA with local agencies
- Sample IGA with Government Sponsor

Program Background

On November 5, 2019, voters across greater Portland approved Metro’s 2019 Bond Measure to Protect and Connect People to Nature (the “bond measure” or the “2019 bond measure”), thereby creating six bond measure programs that fund natural area and water quality protection and connect people to nature.

The Large Scale Community Visions Program is intended to provide funds to help deliver significant investment in habitat preservation, restoration, and access to nature in coordinated and visionary capital projects that achieve outcomes identified in the bond measure and inspire the Metro Council. Generally, a large scale community vision project is a capital investment that uplifts community by returning natural environment to a central role in projects that seek to address job opportunities, affordable housing and safe, reliable transportation. These projects are transformative local projects of regional significance that increase access to nature for people in urban areas and/or improve the resilience of urban natural areas. By leveraging other public and private investments, these capital projects will also support improvements in affordable housing and safe, reliable transportation.

PROJECT DEFINITION

The intent of the Program is to fund large-scale capital improvement projects that address ecological restoration, housing affordability, transportation, and job opportunities. An eligible project must have two components. The first required component (“Component 1”) is a significant capital improvement project that meets the Capital Improvement Project definition identified in “Types of Capital Projects Funded” below. The second required component (“Component 2”) is a significant capital improvement project that addresses housing affordability; and/or transportation; and/or job opportunities. The “total project” is the combination of Component 1 and Component 2.

FUNDING AVAILABILITY AND MATCH REQUIREMENTS

The 2023 Pilot Program makes \$10 million available for eligible projects. While letters of interest are accepted until Fall, 2022, full applications are accepted by invitation only. Check the program website for application deadlines. Make sure to leave enough time between submitting the letter of interest and the full application deadline. Three months is recommended.

The minimum grant amount is \$1,000,000 and requires a two-part match. Component 1 requires match of \$1 for every \$1 of Metro funding. The total project requires match of \$5 for every \$1 of Metro funding. These two match requirements intentionally overlap according to the following example:

Total project budget = Component 1 + Component 2

Metro funding = ½ Component 1 budget = 1/6 of total budget

	Project Match	Metro LSCV Grant	Total Budget
Component 1	\$1,000,000	\$1,000,000	\$2,000,000
Component 2	\$4,000,000	\$0	\$4,000,000
Total Project	\$5,000,000	\$1,000,000	\$6,000,000

An eligible project must have a total project cost of over \$6,000,000 to be considered for Program funding. A maximum grant request of \$8,000,000 has been established for the Pilot Program.

WHO CAN APPLY?

The following groups and organizations are eligible to apply: governmental agencies; nonprofit organizations; public educational institutions including primary and secondary schools, community colleges, colleges, universities and extension centers, and private developers.

PUBLIC/PRIVATE PARTNERSHIP

The project must include public and private partners that will collaborate to deliver project. To be considered a “partner”, an entity must be financially invested in the project and responsible for at least 5% of the total project budget. Partners are actively engaged in leveraging financial or in-kind services to make the project a success.

MATCH REQUIREMENTS

Metro funding awards will not exceed one-sixth the total project cost of successful applications. Requirements and limitations for matching funds are as follows:

- The match can be a combination of financial resources and staff time.
- The match needs to be identified and committed at the time of application.
- The value of donated or acquired property can be used as a match if the property was donated or acquired within one year of the grant application, as long as no Metro funds were used to acquire the property.
- Volunteer time should be valued based on the Independent Sector’s value of volunteer time. The most current information can be found at: <https://independentsector.org/resources/>
- Other Metro funding cannot be used as a match for Component 1.
- Metro funds or staff time from other programs may be used as a match for the total project.

It is recognized that some costs must be incurred to adequately prepare the full application. For that reason, the following costs can be included as match if incurred after Metro’s invitation to submit a full application.

Professional services, agency staff time and volunteer time spent on the following activities: site planning, preliminary design, environmental assessment, preparation of cost estimates, construction drawings and specifications, building relationships with potential partners and similar tasks necessary for project preparation. When applicable, professional services, agency staff time and volunteer time spent on appraisals, survey, environmental evaluation costs, cultural and historic resource surveys, and building relationships with potential partners for site acquisition.

TYPES OF CAPITAL PROJECTS FUNDED

Component 1 of the project must result in a publicly-owned capital asset within Metro’s jurisdictional boundary or the region’s urban growth boundary. The definition of a capital asset may vary depending on how the project will be accounted for by the public agency that owns or will own the property or

easement being acquired or improved. To ensure that his requirement is met, the chief financial officer for the public agency must confirm that the line items funded by the capital grants shall be properly recorded as assets in the jurisdiction's audited financial statements and that the accounting treatment for this project is consistent with other similar transactions. Application instructions direct you to provide a resolution of support from the jurisdiction that includes these assurances.

There are three types of capital projects that may be funded through the Large Scale Community Visions program. Projects that take the place of required mitigation or penalty payments or are regulatory in nature are not eligible.

Capital Improvement Projects

Projects where Component 1 will result in the creation of a capital asset such as a park, trail, boardwalk or nature play area, with a discrete useful life of at least 30 years; OR projects will significantly extend the useful life of an existing capital asset. Component 1 will be an improvement to non-federal, publicly-owned property.

Capital Improvement Project Types:

Restoration projects: Create or renovate an asset to enhance fish habitat and/or wildlife connectivity such as enhancing stream complexity with large woody debris, remove or replace culverts to enhance fish passage and habitat, provide viewing platforms to reduce people's impact on sensitive habitat, and the like.

Urban transformation projects: Seek to shift the balance of marginal urban land use toward natural environment in the region's most urban settings by deindustrializing underutilized sites, removing environmental contamination or hazards to create or improve habitat, and/or by doing ecological restoration that shifts marginal urban nature toward self-sustaining natural area nodes.

Neighborhood livability projects: Seek to connect people to existing natural areas in ways that minimize negative impacts on natural habitats and their functionality.

Allowable costs

Component 1 must have a total value of at least \$2,000,000. Grants may only be used for capital expenditures. Such costs can include design and engineering costs, bid documents and permits, as well as materials and construction expenses. No more than 10 percent of grant funds may be used for staff time directly related to a project. Projects that address racial equity may exceed 10 percent as approved by the Metro Council. Overhead and/or indirect costs are not reimbursable, but can be used to meet matching requirements.

Land acquisition or conservation easement acquisition will be only be considered when it is a portion of the Capital Improvement Project as described above. Acquisition is limited to natural areas, wildlife habitat and trail corridors, nature-related parks or other opportunities for increasing people's connection to nature and/or restoring ecological systems. Capital Improvement Project with a land acquisition component must include the strategy for planning and developing the Capital Project.

Allowable land acquisition costs

Costs associated with the acquisition including appraisals, appraisal review surveys, environmental review, historic and cultural resource surveys, and similar due diligence, and closing costs.

Costs necessary to return the parcel to a natural state (for wildlife preservation/enhancement and conservation purposes) including land survey, demolition of unwanted structures and hazards, installation of signage and fencing to control access and the initial removal of invasive species and planting of native vegetation.

DRAFT

SELECTION CRITERIA

A project proposal must address the following criteria. Applicants are required to respond to the minimum criteria as identified. Applicants are encouraged to respond to respond to all criteria.

Project should address all of these principles:	Projects must address all of the following criteria:	Projects must identify as one of these types	Projects must satisfy at least one of the following criteria:	Projects must meet at least one of the following criteria:	Projects must meet all of the following criteria
Serve communities through inclusive engagement, transparency and accountability. Advance racial equity through bond investments.	Meaningfully engage with communities of color, Indigenous communities, people with low incomes and other historically marginalized communities in planning, development of project.	Restoration project	Protect, connect and restore habitat to support strong populations of native plants, fish and wildlife that can adapt to a changing climate.	Improve access to nature for people.	Satisfy Matching Fund Criteria
Protect clean water for people, fish and wildlife.	Prioritize needs identified by communities of color, Indigenous communities, low-income and other historically marginalized groups.	Urban transformation	Protect and restore floodplains, headwaters, streams and wetlands to increase their capacity to handle storm water to protect vulnerable communities from flooding.	Protect and reclaim rivers, increase tree canopy and/or restore or improve other important natural features in urban areas for the benefit of people and wildlife.	Local public agency partner
Protect and restore culturally significant native plant communities.	Provide data that will support tracking outcomes and reporting impacts, particularly as they relate to communities of color, Indigenous communities, people with low incomes	Neighborhood livability	Increase tree canopy in developed areas to reduce heat island effects.	Create access to nature in a regional or town center, employment area or other areas identified as a priority for	Community partner

	and other historically marginalized communities.			investment in Metro's 2040 Growth Concept.	
Protect, connect and improve habitat for native fish and wildlife.	Include strategies to prevent or mitigate displacement and/or gentrification resulting from project investments.		Use low-impact development practices and green infrastructure in project design and development.	Foster partnerships between public agencies and between the public and private sectors and/or catalyze private investment by focusing public investments and efforts on specific priority projects.	
Make parks and natural areas more accessible and inclusive.	Set aspirational goals for workforce diversity and use of COBID contractors and work to reduce barriers to achieving these goals; demonstrate accountability by tracking outcomes and reporting impacts.		Invest in segments of the regional trail system to expand active transportation opportunities for commuting, recreation and other travel.	Meet a need identified by communities of color, indigenous communities, people with low incomes and other historically marginalized communities.	
Connect more people to the land and rivers of our region.	Catalyze other investments in transformative regional-scale projects that increase access to nature for people in urban areas and/or improve the resilience of urban natural areas.			Complement investments in affordable housing and transit or active transportation projects.	
Invest in trails for biking and walking.	Leverage with public/private investments in affordable housing,				

	transit and connections to local or regional parks.				
Support community-led parks and nature projects.	Partner with public agencies and private organizations to create access to nature in regional-scale development projects.				
Make communities more resilient to climate change.					
Uplift Communities and leverage nature to achieve job opportunities.					
Uplift Communities and leverage nature to achieve affordable housing.					
Uplift Communities and leverage nature to achieve safe reliable transportation.					

PROJECT PLANNING

The strongest projects are well thought-out and based on thorough research, planning, and community engagement. This includes looking at the project in the broadest context and framing the need for the project within the surrounding community and the entire watershed basin. Building strong relationships with a variety of stakeholders can allow the project to more holistically address multiple elements of a livable community such as public safety, health, affordable housing and jobs. Metro is willing to provide suggestions to potential applicants and help to identify potential resources. Applicants are encouraged to contact Metro staff as early in the project planning phase as possible. Metro staff can provide a quick assessment over the phone and suggest ways that the project can be strengthened to better meet the program criteria.

It is equally important to gather specific data or research to support the project's need and the context in which the project is discussed. Data or mapping sources to consider include:

- Demographic data collected from federal, state, or local agencies information or local school student populations.
- Existing planning documents such as state or city planning documents, watershed action plans, neighborhood plans, or others that can document the social, economic or ecological needs in the project area.
- Master plans or other specific engineering or feasibility studies completed for the project site.

A list of resources that applicants may consider using is included below.

APPLICATION PROCEDURES

Potential applicants must submit a letter of interest describing the proposed project and how it meets the legibility requirements. Letters of interest can be submitted at any time. Full proposals will only be accepted from applicants who have been invited to apply. Full application instructions will be sent with the invitation to apply.

Review and Approval Process

The administration of this grant program is designed to be responsive to the needs of potential applicants and flexible enough to assist with the evolving nature of capital improvement projects.

Letter of interest review

Metro staff will review the letter of interest to ensure the applicant's proposal meets the eligibility requirements and can address the criteria adequately. This review may include follow-up communication with the applicant or possibly a site visit. It is the applicant's responsibility to ensure their project is sufficiently defined according to the guidelines so that staff can efficiently review the project.

If staff determines that the project meets the intention of the grant program, the applicant will be invited to submit a full proposal along with feedback on how to strengthen the application to be more competitive.

Staff will be available to applicants to assist in providing clarity about program goals and requirements while the applicant develops the full proposal.

Full proposal review process

Staff review. Metro staff will review full proposals for eligibility and completeness.

Site visits. Metro staff will conduct site visits during the proposal review period. Site visits are intended to provide a more in-depth understanding of the proposal in order to form a stronger basis for comparison with other proposals. All site visits shall be documented for inclusion in presentations of materials to Metro Council.

Proposal scoring. Metro staff will evaluate each full proposal according to how many of the criteria are met by the project. Additionally, staff will identify conditions of approval necessary to ensure the proposed project will meet the minimum required program goals.

Notification to applicants. Applicants will be informed of the staff's evaluation and scoring. The applicant will have the opportunity to discuss the conditions of approval and confirm their ability to meet those conditions.

Only projects with mutually agreed to conditions of approval will be submitted to Metro Council for consideration.

Metro Council Approval

Metro Council, will review the evaluations, site visit analysis, and conditions of approval. Metro Council select projects for award. Projects may receive funding lower than requested in the application.

Metro staff will submit a resolution for approval to the Metro Council based on the evaluation scoring and conditions of approval. The Metro Council will consider the information received and award funds to those proposals that best advance the vision, goals and intent of the Large Scale Community Visions program.

Implementation Criteria

Metro staff will work closely with project applicants to ensure that tasks, processes, and project elements intended to meet the bond requirements are documented in the appropriate agreements between the parties. Including but not limited to the following items:

- Tribal consultation
- Community engagement
- Workforce development
- Anti-displacement
- Diversity and Racial Equity

Agreements

Metro staff will work with the successful applicant to enter into the necessary agreements for the project between Metro and the applicant. There are three potential agreements that may be used.

Intergovernmental Agreement (IGA): This template is used when the applicant is a government agency.

Grant Agreement: This template is used when the applicant is a community-based organization.

Government Sponsor IGA: This template is used for the government agency when the applicant is a community-based organization. It is used together with the Grant Agreement discussed above.

See the program website or contact staff for agreement templates.

Notice to Proceed

The only elements of the project that can be implemented prior to fully executed agreements with Metro are those identified in the grant proposal budget as “pre-agreement costs.” These expenses can only be used as match, and Metro has no obligation to reimburse these expenses or enter into a grant agreement if all match funds are not secured or if all Metro Council conditions of approval are not met.

Reporting Requirements

Grant recipients will be required to report on the progress and outcomes of the project throughout the project period in accordance with a schedule to be determined at the time of award. A final report will be required that includes full and final accounting of all expenditures, the value and source of matching funds, a description of work accomplished, volunteer hours and participation, project photos (including a phot of the signage acknowledging the LSCV participation), and data on success indicators. Such success indicators will be determined on a project-by project basis and included as part of the grantee’s scope of work.

Metro is committed to successful project implementation for all grant recipients and will work cooperatively to ensure project success.

Additional Information

Public Information

All applications are subject to the Oregon Public Records Law.

Pre-award activities

Notwithstanding any oral or written assurances, there is no obligation on the part of Metro to cover pre-award costs.

Resources

The following are data and information sources that applicants may find useful in the preparation of letters of interest and/or full applications. Applicants are encouraged to find resources listed here, and otherwise, that best support their project and grant application.

Regional Conservation Strategy. This document organizes conservation strategies for the Portland metropolitan region by landscape types – natural area, working lands and developed areas – as well as strategies for biodiversity corridors and for species of special concern. This document will be helpful as you consider how a project advances biodiversity on a regional scale. It is available on the Intertwine Alliance website at www.theintertwine.org.

The Regional Conservation Strategy High Value Habitat viewer (www.regionalconservationstrategy.org) shows the high value habitat across the Portland-Vancouver region and within any watershed,

jurisdiction, urban growth boundary/area, or custom shape that you choose. It helps you visualize the relative importance of habitats within your project area.

You can also view summary statistics about the land cover, habitats, and parks and ownership in your selected area. Comparing the high value habitats with the other layers on the map can help prioritize conservation efforts. For example, if you view the parks and protected areas layer and the high value habitats at the same time, you can see which high value habitats are not currently protected. You can also determine whether any high value habitats exist that could connect currently protected habitats.

Public school districts. One source of local demographic data is the neighborhood schools. Each public school maintains data on the percentage of students eligible for the free and reduced lunch program and students participating in English as a Second Language program.

Regional Equity Atlas. Using maps, policy analysis, and community-based research, the Equity Atlas assesses how well different populations across the four-county Portland-Vancouver metro region can access key resources necessary for meeting their basic needs and advancing their health and well-being. The Atlas is on the web at www.equityatlas.org.

Metro's web site has a variety of maps and tools to assist with project research:

MetroMap. This is Metro's web mapping service where you can view and print maps or data specific to your area of interest. MetroMap allows you to view map-based information about a location of your choice. View information on parcel and tax assessment, zoning, political boundaries, planning, flood plain and special districts. The results can be displayed in text-only format or on a map.

Urban Growth Boundary tool. Enter an address to see a map that shows whether a specific property is inside, was added to, or removed from the urban growth boundary.

Materials following this page were distributed at the meeting.



Metro

Resolution 22-5262 and FY 2022-23 Proposed Budget Amendments

June 2, 2022

Resolution 22-5262

- **Sets appropriations for Fiscal Year 2022-23:**
 - \$1,627,146,977 across all funds
- **Sets property tax rates:**
 - \$0.0966/\$1,000 of assessed value – permanent rate
 - \$0.096/\$1,000 of assessed value – local option levy rate
 - \$78,186,644 for general obligation bond debt

Proposed 3.2 FTE Increase

- **General Fund (Human Resources):**
 - 1.0 FTE – Recruiter - Limited Duration to 12/31/2023
- **Solid Waste Fund (Waste Prevention and Environmental Services):**
 - 1.0 FTE – Sr. Program Analyst – new addition
 - 0.2 FTE – Program Manager – increase back to 1.0 FTE from 0.8 FTE
 - 1.0 FTE – Program Coordinator – extend Limited Duration one year to 06/30/2023
- **General Fund (Office of Metro Attorney):**
 - Legal Counsel - Limited Duration to Regular Status (no FTE change)

Proposed Appropriation Changes

Total Appropriation Increase: \$3,213,061

- **General Fund** increase by \$558,425
- **General Asset Management Fund** increase by \$499,000
- **Oregon Zoo Asset Management Fund** increase by \$800,000
- **Solid Waste Fund** increase by \$1,355,636

Appropriation Increase Detail

For Contract and Project Carryover from FY22:

- General Fund: \$558,425
- General Asset Management Fund: \$499,000
- Solid Waste Fund: \$1,075,000

Appropriation Increase Detail

For FTE Additions and Extensions:

- Solid Waste Fund: \$280,636

For CIP Project Scoping Changes:

- Oregon Zoo Asset Management Fund: \$800,000

Next Steps

Today:

- Vote to amend Resolution 22-5262 to include budget amendments and budget notes

June 16, 2022:

- Vote to adopt Resolution 22-5262-A, adopting the FY 2022-23 budget

Questions?



Metro

Arts and events

Garbage and recycling

Land and transportation

Oregon Zoo

Parks and nature

oregonmetro.gov



Metro



Large Scale Community Visions

June 2022

Goals for today



Metro

Council affirmation on next steps for the Large Scale Community Visions program so that:

- Staff can finalize an adaptive and accountable approach to pilot project review and selection
- Staff can update a program handbook for adoption by June 23rd



Bond progress



Metro

Spring 2022

- Land acquisition ramps up

Summer 2022

- Launching of local share projects

Fall 2022

- Metro Council awards up to \$20 million in grants to plan and build trails

Large scale community visions program



Metro

Driven by community engagement and community interests

Catalyze investments in transformative regional-scale projects that increase access to nature for people in urban areas and/or improve the resilience of urban natural areas

Leverage public/private investments in affordable housing, transit and connections to local or regional parks

Partner with other public agencies and private organizations



Building on what we know



Metro

Program is similar to existing Parks and Nature bond programs and is also unique

Ongoing collaboration with Metro's Planning and Development department

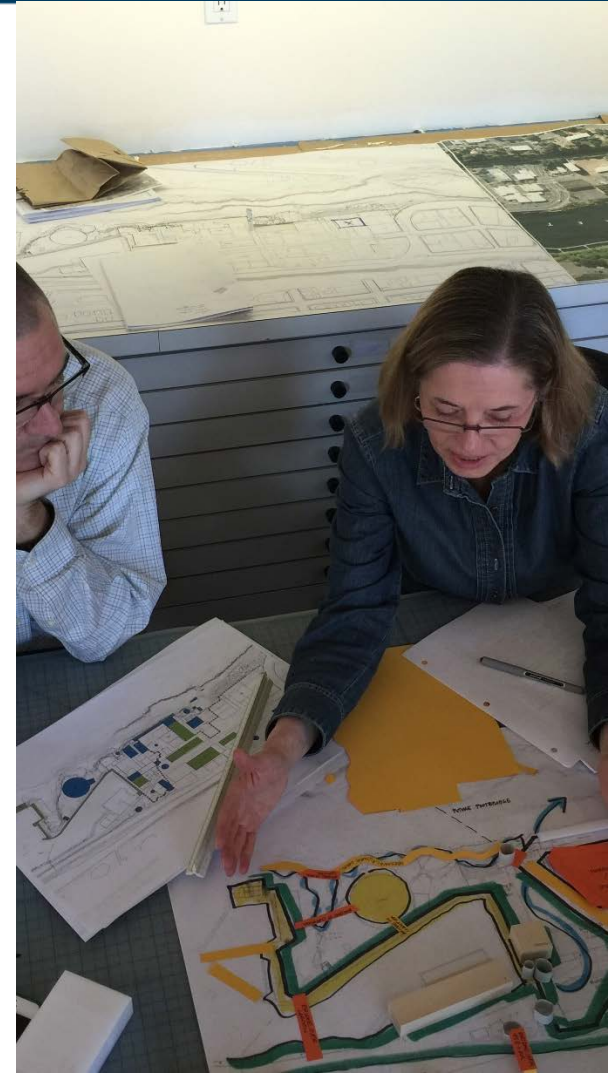
Minimum \$6m project budget

Minimum \$1m grant

5:1 match

1:1 match

cross-sector partnerships



Adaptive, accountable approach



Metro

Program handbook articulates project requirements

NOFA allows for opportunity to review projects with applications

Leveraging expertise in grants across Metro

Knowledge sharing and relationship building

Council project selection

Contracts to memorialize roles, responsibilities, and commitments

Proposed pilot launch and review process



Metro

- 1 review cycle per year
- Cycle funding up to \$10M
- NOFA
- Letter of interest
- Application
- Award
- Review of program
- Recommend changes



Timeline and next steps



Metro

June 2022

- Program handbook

Late summer
2022

- Release Notice of Funding

Fall 2022

- Connect with applicants and project review

Winter 2022

- Project selection

Future touchpoints



Metro

June 23: Council considers
program handbook

NOFA review and sharing
with partners

Updates to Council when
letters of interest are received

Council approval of projects



Questions for you



Metro

1. How does this approach align with your expectations?
2. What other information do you need to approve a program handbook on June 23rd?

