

# A G E N D A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1700 | FAX 503 797 1797



**METRO**

MEETING: METRO COUNCIL REGULAR MEETING  
DATE: July 27, 1995  
DAY: Thursday  
TIME: 7:00 p.m.  
PLACE: Council Chamber

| Approx.<br>Time *    |  | Presenter                       |
|----------------------|--|---------------------------------|
| 7:00 PM              | <b>CALL TO ORDER AND ROLL CALL</b>   |                                 |
| (5 min.)             | 1. <b>INTRODUCTIONS</b>  |                                 |
| (5 min.)             | 2. <b>CITIZEN COMMUNICATIONS</b>   |                                 |
| (5 min.)             | 3. <b>EXECUTIVE OFFICER COMMUNICATIONS</b>   |                                 |
|                      | 4. <b>CONSENT AGENDA</b>   |                                 |
| 7:15 PM<br>(5 min.)  | 4.1 Consideration of Minutes for the July 20, 1995 Metro Council Meeting.  |                                 |
| 7:20 PM<br>(5 min.)  | 4.2 <b>Resolution No. 95-2180</b> , For the Purpose of Amending the Non-Represented Employee Pay Plans.  |                                 |
|                      | 5. <b>ORDINANCES - FIRST READINGS</b>  |                                 |
| 7:25 PM<br>(30 min.) | 5.1 <b>Ordinance No. 95-612</b> , Amending the Urban Growth Boundary for the Subject Property of (Urban Growth Boundary Contested Case 95-1: Harvey/Washington County), Located Along the Tualatin Valley Highway.   | L. Epstein,<br>Hearings Officer |
| 7:55 PM<br>(30 min.) | 5.2 <b>Ordinance No. 95-613</b> , Amending the (Urban Growth Boundary for Contested Case 95-3: Jenkins Estate, to Include 68 Acres of Park Property, Located in Washington County.   | L. Epstein,<br>Hearings Officer |
|                      | 6. <b>CONTRACT REVIEW BOARD</b>  |                                 |
| 8:25 PM<br>(5 min.)  | 6.1 <b>Resolution No. 95-2179</b> , For the Purpose of Authorizing an Exemption From Competitive Bidding and Authorizing Sole-Source and Multi-Year Contracts to Agra Earth and Environmental, and Antech Analysis Technology for Sampling and Testing of Yard Debris Compost. | McLain                          |

For assistance/Services per the Americans with Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office)

\* All times listed on the agenda are approximate; items may not be considered in the exact order listed.

Approx.  
Time \*

Presenter

7. RESOLUTIONS
- |                      |     |   |            |
|----------------------|-----|---|------------|
| 8:30 PM<br>(5 min.)  | 7.1 | <b>Resolution No. 95-2181</b> , For the Purpose of Accepting Nominees to the Metro Committee for Citizen Involvement (Metro CCI)  | McLain     |
| 8:35 PM<br>(5 min.)  | 7.2 | <b>Resolution No. 95-2172</b> , For the Purpose of Authorizing an Exemption from the Competitive Bid Process and Authorizing Issuance of RFP # 95-R-17 for a Commercial Food Waste Composting (Project Site and Processing Services.) | McLain     |
| 8:40 PM<br>(5 min.)  | 7.3 | <b>Resolution No. 95-2182</b> , For the Purpose of Appointing Claire Stock, Clarice White, and Frank Bird to Three Expiring Terms on the Metro Central Station Community Enhancement Committee.                                       | Kvistad    |
| 8:45 PM<br>(5 min.)  | 7.4 | <b>Resolution No. 95-2174A</b> , Adopting Public Involvement Policies for Regional Transportation Planning and for Local Jurisdictions Submitting Projects to Metro for RTP and MTIP Consideration                                    | Washington |
| 8:50 PM<br>(5 min.)  | 7.5 | <b>Resolution No. 95-2176A</b> , For the Purpose of Amending the FY 95 Transportation Improvement Program to Allocate \$27 Million of Region 2040 Implementation Funds.   | Monroe     |
| 8:55 PM<br>(5 min.)  | 7.6 | <b>Resolution No. 95-2177</b> , Adopting (Amendments to the Federal RTP) Proposed by the Cities of East Multnomah County.   | Washington |
| 9:00 PM<br>(5 min.)  | 7.7 | <b>Resolution No. 95-2183</b> , Amending the FY 1995 Metro Transportation Improvement Program to <u>Update the Regional Transit Program</u>   | Kvistad    |
| 9:05 PM<br>(10 min.) | 8.  | <b>COUNCILOR COMMUNICATIONS</b>   |            |
| 9:15 PM              |     | <b>ADJOURN</b>  |            |

\* All times listed on the agenda are approximate; items may not be considered in the exact order listed.

**AGENDA ITEM 4.1**  
**Meeting Date: July 27, 1995**

**Consent Agenda**

**Consideration of Minutes for the July 20, 1995 Metro Council Meeting.**

**Minutes were not available at the time the agenda packet was produced. The document will be distributed prior to the July 27 meeting.**



AGENDA ITEM 4.2  
Meeting Date: July 27, 1995

Consent Agenda

**Resolution No. 95-2180, For the Purpose of Amending the Non-Represented  
Employee Pay Plans.**

**This resolution was heard and passed (6 yes with one member absent) by the Finance Committee July 21,  
1995. It is therefore being placed on the consent agenda.**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE ) RESOLUTION NO. 95-2180  
NON-REPRESENTED EMPLOYEE PAY )  
PLANS ) Introduced by Mike Burton,  
 ) Executive Officer

WHEREAS, Metro Code 2.02.055 requires the Executive Officer to prepare Pay Plans for non-represented employees for approval by the Metro Council; and

WHEREAS, the current Pay Plan was adopted by the Council on December 22, 1994 through Resolution No. 94-2052; and

WHEREAS, Metro Code 2.02.055 requires the Executive Officer review the Pay Plan annually and that the Pay Plan shall be related to compensation for comparable positions within the job market; and

WHEREAS, a Metro wage survey of eleven comparable regional public and private sector employers indicates that the maximum rates of pay for non-represented employee Pay Plans are slightly above the comparable market average, and the beginning rates of pay are noticeably below the market average; and

WHEREAS, Metro Code 2.02.055 requires the Executive Officer to administer the Pay Plans based on the need and expectations of Metro along with suitable employee performance; and

WHEREAS, the Council has authorized sufficient funds to continue appropriate merit increases for non-represented employees as allowed in the Metro Code 2.02.060 for FY95-96; now therefore,

BE IT RESOLVED,

1. That the Pay Plan for non-represented employees is frozen except that 5% is eliminated from the beginning rates of pay as amended and approved as shown on Exhibit A attached hereto.

2. That this Resolution being necessary for the public health, safety, or welfare, for the reason of orderly administration of the non-represented Pay Plan at the beginning of the fiscal year, an emergency is declared to exist, and this Resolution takes effect on August 1, 1995.

Adopted by the Metro Council this \_\_\_\_ day of July \_\_\_\_\_, 1995.

\_\_\_\_\_  
J. Ruth McFarland, Presiding Officer

## **FINANCE COMMITTEE REPORT**

### **CONSIDERATION OF RESOLUTION NO. 95-2180, FOR THE PURPOSE OF AMENDING THE NON-REPRESENTED EMPLOYEE PAY PLANS**

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**Date:** July 20, 1995

**Presented by:** Councilor McCaig

**Committee Recommendation:** At its July 20 meeting, the Committee voted unanimously (6-0) to recommend Council adoption of Resolution No. 95-2180. Present and voting in favor: Councilors McCaig, McClain, McFarland, Monroe, Morissette and Washington.

**Committee Issues/Discussion:** Jay Harris, Council Analyst, presented the staff report. He stated that the resolution is the culmination of the annual review of the pay plan, and that it would revise the pay plan to freeze the salary ranges of non-represented employees, eliminate the first 5 percent of the salary ranges and continue merit increases within the ranges.

Councilor McFarland asked why are merit increases still included in the pay plan and are they automatic. Paula Paris, Personnel Director, responded that merit increases are included in the pay plan to provide internal comparability with AFSCME represented employees and as a balance to the fact that only non-represented employees' merit increases were frozen in 1993-94 while during this same period AFSCME represented employees received merit and other salary adjustments. She also noted that merit increases are not automatic. Ms. Paris responded to a question from Councilor McFarland that freezing the salary ranges prohibited managers from giving merit increases that would exceed the top of a salary range.

**METRO**  
**NON-REPRESENTED EMPLOYEE PAY SCHEDULE**  
 (Monthly and Annual Rate Based on 2,088 Hours Per Year for Exempt Employees)

| Salary Range | Class Code | Classification               | Maximum        |                              |         |        |         |
|--------------|------------|------------------------------|----------------|------------------------------|---------|--------|---------|
|              |            |                              | Beginning Rate | Merit Rate                   |         |        |         |
| 1            | 1110       | * Admin. Support Asst. A     | 8.34           | 11.59                        | Hourly  |        |         |
|              | 1510       | * Education Service Aide 1   |                |                              |         |        |         |
| 4            | 1520       | * Education Service Aide 2   | 9.67           | 13.42                        | Hourly  |        |         |
|              | 1530       | * Animal Hospital Attendant  |                |                              |         |        |         |
| 5            | 1610       | * Management Intern          | 10.14          | 14.09                        | Hourly  |        |         |
|              | 1120       | * Admin. Support Asst. B     |                |                              |         |        |         |
| 8            | 1130       | * Admin. Support Asst. C     | 11.76          | 16.32                        | Hourly  |        |         |
| 10           | 1140       | Admin. Support Asst. D       | 12.97          | 18.00                        | Hourly  |        |         |
|              | 1150       | * Legal Secretary            | 2,149          | 3,132                        | Monthly |        |         |
|              |            |                              | 25,787         | 37,584                       | Annual  |        |         |
| 11           | 1310       | Associate Service Supervisor | 13.63          | 18.88                        | Hourly  |        |         |
|              |            |                              | 2,259          | 3,285                        | Monthly |        |         |
|              |            |                              | 27,102         | 39,421                       | Annual  |        |         |
| 12           | 1540       | Catering Coordinator         | 14.29          | 19.82                        | Hourly  |        |         |
|              |            |                              | 2,368          | 3,449                        | Monthly |        |         |
|              |            |                              | 28,418         | 41,384                       | Annual  |        |         |
| 14           | 1580       | Events Technician            | 15.75          | 21.87                        | Hourly  |        |         |
|              |            |                              | 1210           | Assistant Admin Svcs Analyst | 2,610   | 3,805  | Monthly |
|              |            |                              | 1650           | Volunteer Coordinator        | 31,320  | 45,665 | Annual  |
| 15           | 1630       | Law Clerk                    | 16.54          | 22.96                        | Hourly  |        |         |
|              |            |                              | 1320           | Service Supervisor           | 2,741   | 3,995  | Monthly |
|              |            |                              |                |                              | 32,886  | 47,940 | Annual  |

Effective: August 1, 1995 - June 30, 1996  
 Prepared: June 6, 1995



**METRO**  
**NON-REPRESENTED EMPLOYEE PAY SCHEDULE**  
 (Monthly and Annual Rate Based on 2,088 Hours Per Year for Exempt Employees)

| Salary Range | Class Code | Classification                | Beginning Rate | Maximum Merit Rate |         |
|--------------|------------|-------------------------------|----------------|--------------------|---------|
| 16           | 1330       | Senior Service Supervisor     | 17.38          | 24.11              | Hourly  |
|              | 1220       | Associate Admin Svcs Analyst  | 2,880          | 4,195              | Monthly |
|              |            |                               | 34,556         | 50,342             | Annual  |
| 17           | 1350       | Associate Program Supervisor  | 18.24          | 25.33              | Hourly  |
|              | 1590       | Facilities Mgmt Project Coord | 3,022          | 4,407              | Monthly |
|              |            |                               | 36,269         | 52,889             | Annual  |
| 18           | 1230       | Senior Admin Svcs Analyst     | 19.15          | 26.59              | Hourly  |
|              | 1560       | Research Coordinator          | 3,174          | 4,627              | Monthly |
|              |            |                               | 38,085         | 55,520             | Annual  |
| 19           | 1360       | Program Supervisor            | 20.12          | 27.93              | Hourly  |
|              | 1570       | Veterinarian                  | 3,334          | 4,860              | Monthly |
|              | 1240       | Principal Admin Svcs Analyst  | 40,006         | 58,318             | Annual  |
| 20           | 1370       | Senior Program Supervisor     | 21.13          | 29.31              | Hourly  |
|              | 1620       | Construction Coordinator      | 3,501          | 5,100              | Monthly |
|              |            |                               | 42,011         | 61,199             | Annual  |
| 22           | 1410       | Manager                       | 23.28          | 32.31              | Hourly  |
|              |            |                               | 3,858          | 5,622              | Monthly |
|              |            |                               | 46,291         | 67,463             | Annual  |
| 24           | 1420       | Senior Manager                | 25.66          | 35.62              | Hourly  |
|              | 1640       | Senior Assistant Counsel      | 4,253          | 6,198              | Monthly |
|              |            |                               | 51,031         | 74,375             | Annual  |
| 25           | 1450       | Assistant Director            | 26.95          | 37.39              | Hourly  |
|              |            |                               | 4,467          | 6,506              | Monthly |
|              |            |                               | 53,599         | 78,070             | Annual  |

Effective: August 1, 1995 - June 30, 1996  
 Prepared: June 6, 1995

**METRO**  
**NON-REPRESENTED EMPLOYEE PAY SCHEDULE**  
**(Monthly and Annual Rate Based on 2,088 Hours Per Year for Exempt Employees)**

| Salary<br>Range | Class<br>Code | Classification  | Beginning<br>Rate | Maximum<br>Merit<br>Rate |         |
|-----------------|---------------|-----------------|-------------------|--------------------------|---------|
| 26              | 1460          | Director        | 28.31             | 39.26                    | Hourly  |
|                 |               |                 | 4,691             | 6,831                    | Monthly |
|                 |               |                 | 56,292            | 81,975                   | Annual  |
| 29              | 1490          | Administrator   | 32.76             | 45.45                    | Hourly  |
|                 | 1470          | Senior Director | 5,429             | 7,908                    | Monthly |
|                 |               |                 | 65,146            | 94,900                   | Annual  |

\* Non-exempt classification. Employees in this classification are paid hourly and are eligible to receive overtime compensation.

Effective: August 1, 1995 - June 30, 1996  
 Prepared: June 6, 1995

## STAFF REPORT

### CONSIDERATION OF RESOLUTION NO. 95-2180, FOR THE PURPOSE OF AMENDING THE NON-REPRESENTED SALARY RANGES.

Date: July 3, 1995

Presented by: Paula Paris

**BACKGROUND:** It is the Executive Officer's recommendation to freeze non-represented salary ranges at the current 94-95 ranges except to eliminate the first 5% in the ranges, and to continue merit increases within the ranges:

- In FY93-94 non-represented employees merit increases were frozen due to budgetary constraints -- they received a 4% COLA in FY93-94 when the non-rep class/comp study was implemented (the study was completed the end of FY92-93). However, even though numerous non-represented employees classifications were changed and numerous reclassifications resulted, no one received the requisite 5% increase for any of those reclassifications because of an additional freeze to the implementation of the class/comp study due to the same budgetary constraints.
- In the same FY93-94, however, AFSCME represented employees received a contractual COLA plus automatic 5% steps plus 5% merit.
- We have recently completed a wage survey of eleven comparable regional public and private sector employers. The salary survey data and methodology has been reviewed by the Local Government Personnel Institute (LGPI) and their analysis supports the approach taken in gathering and analyzing the data.
- Our survey indicates that beginning rates of non-rep pay are from 21% below market to 2.2% above market average; midpoint rates vary from 6.7% below market to 8.4% above market average; and maximum rates vary from 5.4% to 13.7% above market average.
- Metro's non-rep salaries tend to exceed market comparables somewhat at the maximum of the ranges due to the large ranges -- Metro has broad ranges with a 46% spread which is larger than the average spread of 22% to 27%. Freezing salary ranges will bring the non-rep pay closer to the comparable labor market.
- Freezing the non-rep salary ranges but continuing merit increases within the ranges, will also provide a balance to the prior merit increase freeze which applied to non-represented employees only, and will provide more appropriate internal comparability for non-reps with AFSCME represented employees.
- The beginning rates are generally below market, which also impact the generally below market midpoint levels. Elimination of the first 5% in the ranges will provide acknowledgment of market comparators without escalating base pay.

**FISCAL IMPACT:** New non-represented employees may be hired at a level of pay commensurate with the assigned salary range and appropriated funds, thus the elimination of 5% at the beginning of the salary ranges for new hires will be cost neutral. Only two employees have automatic probationary increase dates of 8/17/95 and 9/1/95 per the Code. Since these employees rates of

pay will increase by 5% on these dates, it is our recommendation that their automatic probationary increases be adjusted to the effective date of the Resolution on August 1, 1995. This slightly early increase will be in lieu of an increase upon the completion of probation. The cost to the affected departments is insignificant (less than a total of \$300).

**RECOMMENDATION:** Metro's survey and analysis of non-represented pay makes it appropriate, relative to the labor market, to freeze current ranges and eliminate the first 5% in the ranges. It is, therefore, recommended by the Executive Officer that Resolution No. 95-2180 be approved.

AGENDA ITEM 5.1  
Meeting Date: July 27, 1995

ORDINANCE NO. 95-612

FIRST READING

Amending the Urban Growth Boundary for the Subject Property of Urban Growth Boundary Contested  
Case 95-1: Harvey/Washington County, Located Along the Tualatin Valley Highway.

Note: The Hearings Officer will present his report. Action will be taken at the second reading.



**STAFF REPORT**

**CONSIDERATION OF ORDINANCE NO. 95-612 AMENDING THE URBAN GROWTH BOUNDARY FOR THE SUBJECT PROPERTY OF UGB CONTESTED CASE 95-1: HARVEY/WASHINGTON COUNTY, LOCATED ALONG THE TUALATIN VALLEY HIGHWAY IN WASHINGTON COUNTY.**

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**Date: July 10, 1995**

**Presented by: Larry Epstein, Hearings Officer  
Prepared by: Stuart Todd, Growth Management**

**FACTUAL BACKGROUND AND INFORMATION**

The Tualatin Valley Highway in the vicinity of S.W. 209th to S.W. 216th (were it to connect with the Tualatin Valley Highway) makes a swerve to the north of the railroad tracks as opposed to running directly parallel. Five tax lots occupy the land between the roadway and railroad here. This was the site of the original Reedville railroad stop, and one of the oldest commercial locations in the County. Prior to designation of the Urban Growth Boundary (UGB) by the Columbia Region Association of Governments and by Metro in the late 1970's, this property was in commercial and light industrial use. It is served by sewer and water, is along a transit corridor, is zoned General Commercial under the Washington County Comprehensive Plan, and is currently the site of several businesses.

The original regional UGB map, before it was transferred to the detailed section maps, show the boundary running along the Tualatin Valley Highway. The swerve in the roadway is less evident at the regional scale and was obviously never noticed as an issue in previous urban growth boundary reviews. Washington County assumed the UGB to be parallel to the railroad tracks in this vicinity, and not excluding any developed land between the roadway and the tracks. They were not aware of the interpretation of the Boundary along the centerline of distinguishing boundaries such as the Tualatin Valley Highway, a specific boundary location lettered on the original UGB map as adopted by Metro in 1979.

The hearing on the petition to include this land between the roadway centerline and the railroad tracks right-of-way showed that considerable urban service provision and planning has occurred at the subject site, emphasizing its urban nature. A net improvement of service efficiency will accrue to urban services inside the Boundary through continued urban improvements to these properties (including potential redevelopment), increasing utilization of existing urban services. This makes for a logical adjustment of the UGB under the Metro Code. There are no adverse effects of such an adjustment. The Hearings Officer report details how the petition meets the criteria in this case.

**PROPOSED ACTION**

This is an ordinance to amend the UGB for 5.47 acres between the centerline of the Tualatin Valley Highway and the north line of the Southern Pacific Railroad right-of-way, between S.W. 209th and approximately S.W. 216 (if it came through to Tualatin Valley Highway).

**EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends adoption of Ordinance No.95-612.





BEFORE THE METRO COUNCIL

AMENDING THE URBAN GROWTH BOUNDARY ) ORDINANCE NO. 95-612  
FOR THE SUBJECT PROPERTY OF URBAN )  
GROWTH BOUNDARY CONTESTED CASE 95-1: ) Introduced by Mike Burton  
HARVEY/WASHINGTON COUNTY, LOCATED ) Executive Officer  
ALONG THE TUALATIN VALLEY HIGHWAY )

WHEREAS, Washington County requested clarification of the location of the Urban Growth Boundary along the Tualatin Valley Highway and was informed the Boundary runs along the centerline of the highway; and

WHEREAS, Washington County requested an administrative adjustment of the Urban Growth Boundary because the subject property was zoned urban and has been characterized by urban activity for at least 50 years, and was thought to have been in the boundary; and

WHEREAS, Metro denied the request for an administrative interpretation as without legal basis under the Metro Code, and recommended a quasi-judicial locational adjustment process available to the County; and

WHEREAS, Washington County filed a petition for a locational adjustment and Metro held a hearing by an independent hearings officer on May 10, 1995; and

WHEREAS, The Hearings Officer recommended approval of the locational adjustment; and

WHEREAS, No exceptions to the Hearings Officer Report and Recommendation were received during the appeal period; now, therefore,

THE METRO COUNCIL HERBY ORDAINS AS FOLLOWS:

1. The Urban Growth Boundary be amended to include the subject property as shown in Exhibit A; and
2. The Hearings Officer Report and Recommendation be accepted, as attached herein as Exhibit B; and.

3. The Hearings Officer Findings, Conclusions and Final Order be adopted, as attached herein as Exhibit C.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
J. Ruth McFarland, Presiding Officer

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

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BEFORE THE METRO HEARINGS OFFICER  
IN THE STATE OF OREGON

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In the matter of the petition of Washington County ) HEARINGS OFFICER'S  
for a locational adjustment to add 5.47 acres to the ) REPORT AND  
Urban Growth Boundary south of Tualatin Valley ) RECOMMENDATION  
Highway west of SW 209th Avenue ) Contested Case No. 95-01

I. SUMMARY OF BASIC FACTS

1. On March 14, 1995, John Rosenberger filed a petition for a locational adjustment to the Urban Growth Boundary ("UGB") on behalf of the Washington County Department of Land Use and Transportation ("petitioners") to add 5.47 acres consisting of five contiguous tax lots and adjoining public road right of way (the "subject property").

a. The subject property is between TV Highway and railroad tracks south of the highway west of and adjoining SW 209th Avenue. It is developed for roads (including the south half of TV Highway), two retail businesses and commercial storage. It has been used for urban purposes for more than 75 years. It does not contain sensitive environmental features or hazards. It is served by all public utilities and facilities. It is designated and zoned "General Commercial" on the Washington County Community Development Plan. The UGB abuts the west, north and east edges of the subject property.

b. The record reflects that everyone thought the subject property was included in the UGB when it was adopted. However Metro staff recently determined it is outside the UGB, and that a locational adjustment would have to be approved to include it.

2. The petition was accompanied by comments from affected jurisdictions and service providers, each of whom certifies they can provide urban services in an orderly and timely manner. Some service providers recommended approval; others took a neutral position regarding the locational adjustment. None objected to it.

3. Metro hearings officer Larry Epstein (the "hearings officer") held a duly noticed public hearing on May 10, 1995. Five witnesses testified in person in favor of the petition. At the conclusion of that hearing, the hearings officer held open the public record until May 17, 1995. There was no oral or written testimony against the petition.

1        **II. SUMMARY OF APPLICABLE STANDARDS AND RESPONSIVE FINDINGS**

2  
3            1. A locational adjustment to add land to the UGB must comply with the relevant  
4 provisions of Metro Code ("MC") sections 3.01.035(b), (c) and (f) and with the  
5 Transportation Planning Rule in Oregon Administrative Rule ("OAR") section 660-12.  
6

7            2. The hearings officer found that the petition complies with the applicable  
8 standards based on findings summarized below:  
9

10            a. The subject property is smaller than 20 acres. MC 3.01.035(b).

11  
12            b. The subject property is served by urban services. MC 3.01.035(c)(1).

13  
14            c. The locational adjustment results in a net improvement in the efficiency  
15 of public facilities and services for land already in the UGB. MC 3.01.035(c)(1).  
16

17            (1) Metro rules do not define how to calculate net efficiency of  
18 urban services. The hearings officer concluded the Council has used a two-tiered burden  
19 of proof regarding public service efficiencies. When a petition involves property already  
20 developed for urban uses and served by public facilities, the Council has required a lesser  
21 showing of service efficiencies, presumably because the locational adjustment has relatively  
22 little impact. When a petition involves undeveloped property, Council has required a  
23 greater showing of service efficiencies, because the locational adjustment would allow a  
24 more significant land use change.  
25

26            (2) In this case, the subject property is developed for urban uses  
27 (and has been for more than 75 years) and is served by all urban facilities. Therefore the  
28 hearings officer applied the lower burden of proof.  
29

30            (3) The hearings officer found that the locational adjustment  
31 marginally increases the efficiency of urban services to land already in the UGB by  
32 allowing more intense use of the site without building new infrastructure. Therefore the  
33 cost of urban facilities can be spread over a larger population, increasing the net return to  
34 service providers. In this case, that is a sufficient showing of increased efficiency.  
35

1 d. The locational adjustment will facilitate permitted development of  
2 adjacent land already in the UGB, because it reinforces the historic commercial corridor  
3 along TV Highway and the community activity center around the west edge of the subject  
4 property. MC 3.01.035(c)(2).

5  
6 e. There are no hazard or resource lands that will limit use of the subject  
7 property, and there are no significant adverse environmental, energy, social or economic  
8 consequences of the locational adjustment. MC 3.01.035(c)(3).

9  
10 f. The locational adjustment does not convert farm land to urban use, and  
11 nearby agricultural activities will not be adversely affected by urban use of the subject  
12 property, because of its historic use for that purpose and because of the distance, railroad  
13 and trees that separate the subject property from such activities. MC 3.01.035(c)(5).

14  
15 g. The proposed UGB is superior to the existing UGB, because it includes  
16 land that is and has been used for urban purposes for more than 75 years, and it is  
17 consistent with applicable comprehensive plan and zoning designations that have applied to  
18 the property for more than 30 years.

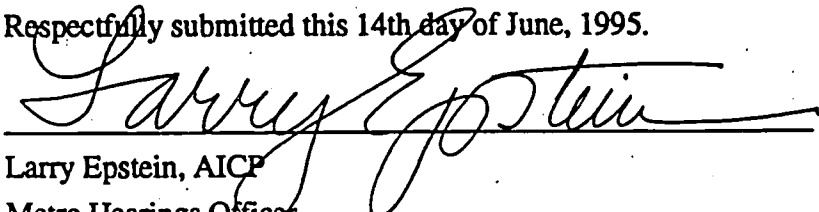
19  
20 h. The petition includes all similarly situated land. MC 3.01.035(f)(3).

21  
22 i. The locational adjustment will not significantly affect a transportation  
23 facility. Therefore it is exempt from the Transportation Planning Rule. OAR 660-12-060.

24  
25 **III. ULTIMATE CONCLUSION AND RECOMMENDATION**

26  
27 For the foregoing reasons, the hearings officer concludes the petition complies with the  
28 relevant approval standards for a locational adjustment adding land to the UGB. Therefore  
29 the hearings officer recommends the Metro Council grant the petition, based on this Report  
30 and Recommendation and the Findings, Conclusions and Final Order attached hereto.

31  
32 Respectfully submitted this 14th day of June, 1995.

33  
34   
35 \_\_\_\_\_  
36 Larry Epstein, AICP  
Metro Hearings Officer





BEFORE THE METRO COUNCIL  
IN THE STATE OF OREGON

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In the matter of the petition of Washington County ) FINDINGS,  
for a locational adjustment to add 5.47 acres to the ) CONCLUSIONS &  
Urban Growth Boundary south of Tualatin Valley ) FINAL ORDER  
Highway west of SW 209th Avenue ) Contested Case No. 95-01

I. BASIC FACTS

1. On March 14, 1995, John Rosenberger filed a petition for a locational adjustment to the Urban Growth Boundary ("UGB") on behalf of the Washington County Department of Land Use and Transportation ("petitioners"), including exhibits required by Metro rules for locational adjustments. See Exhibit 1 for the petition for locational adjustment (the "petition"). Basic facts about the petition include the following:

a. The land to be added to the UGB consists of five contiguous tax lots and adjoining public right of way in Section 11, Township 1 South-Range 2 West, WM, Washington County (the "subject property"). The legal description of the subject property is included as Exhibit 1G. The subject property is a sliver of property between TV Highway and railroad tracks south of the highway and west of and adjoining SW 209th Avenue. The UGB abuts the west, north and east edges of the subject property. Land to the west, north and east is developed for commercial and residential purposes. Land to the south is used for the railroad tracks, south of which is farmland. The subject property and surrounding land are in Washington County's jurisdiction for planning purposes. The subject property is developed for roads, two retail businesses and commercial storage.

b. The record reflects that petitioners believed the UGB followed the railroad tracks; in which case, the subject property would have been inside the UGB. Petitioners have designated and zoned the subject property commercial and industrial since the 1960's, and it continues to be so designated and zoned, consistent with that belief. See Exhibits 11 and 12. However the record also reflects that petitioners' belief was in error. The UGB follows the centerline of TV Highway. Therefore the subject property is not inside the UGB. After petitioners learned this fact, they endeavored to have Metro construe the UGB to include the subject property. But Metro officials concluded they could not do so and urged petitioners to apply for a locational adjustment instead. See Exhibit 1D.

1  
2 c. The subject property is served by public sanitary sewer and water  
3 systems, public roads under the jurisdiction of Washington County or the Oregon  
4 Department of Transportation ("ODOT"), public fire and police services, and public transit.  
5 Each of the special districts or jurisdictions with public facility responsibilities testified in  
6 writing that they can serve the subject property, and that they either support or have a  
7 neutral position regarding the locational adjustment in this case. See Exhibits 1I through  
8 1N. The Washington County Board of Commissioners also submitted a written statement  
9 in support of the locational adjustment. See Exhibit 1P.

10  
11 2. On or before April 20, 1995, Metro staff mailed notices of a hearing to consider  
12 the petition by certified mail to the owners of property within 500 feet of the subject  
13 property and to other individuals and entities entitled to notice under the Metro Code. The  
14 notice and certificate of mailing are included as Exhibits 2 and 3. A notice of the hearing  
15 also was published in *The Oregonian* at least 10 days before the hearing. See Exhibit 5.

16  
17 3. On May 10, 1995, Metro hearings officer Larry Epstein (the "hearings officer")  
18 held a public hearing at the Public Services Building auditorium in Hillsboro to consider the  
19 petition. After the hearings officer described the rules for the hearing and the relevant  
20 standards for the petition, five witnesses testified in person.

21  
22 a. Metro planner Stuart Todd identified and described the subject property  
23 and surrounding area. He introduced a copy of the 1979 UGB map to illustrate how the  
24 petitioners could have construed the map to include the subject property in the UGB. He  
25 explained that the subject property is the site of some of the earliest commercial  
26 development in Washington County, but, that its location outside the UGB precludes the  
27 owners from undertaking more than ordinary maintenance on the subject property. He  
28 summarized the written staff report, and urged the hearings officer to recommend that  
29 Council approve the locational adjustment for the reasons contained therein.

30  
31 b. Washington County planner Jim Tice, subject property owners Ed  
32 Harvey and Edward Janssen, and neighbor Steve Larrance testified in favor of the petition.

33  
34 (1) Mr. Tice argued that the locational adjustment is needed to allow  
35 reasonable use of the subject property consistent with its historic use; that the UGB location  
36 is in error; and that the subject property is uniquely situated with regard to the UGB. He

1 noted the property is designated "urban" on the County's acknowledged Community  
2 Development Plan. He also argued that denial of the locational adjustment will result in a  
3 less efficient use of urban land and urban services. See also Exhibit 12.

4  
5 (2) Mr. Harvey introduced a copy of Exhibit 1B and testified in  
6 favor of the amendment. Mr. Jannsen also testified in favor, noting that his family has  
7 conducted business on a portion of the subject property for 75 years, and that the property  
8 is too and too isolated by the railroad to be used for farm purposes. See also Exhibit 9.

9  
10 (3) Mr. Larrance testified about the common belief that the subject  
11 property was (or would be) in the UGB in the period from 1976 to 1980 when Mr.  
12 Larrance participated in community planning as CPO chairman. He noted the UGB on the  
13 relevant Washington County community plan map is situated along the railroad where the  
14 petition proposes to move it. He argued that one of the purposes of an urban growth  
15 boundary is to identify land devoted to urban uses. The subject property was obviously  
16 used for urban purposes when the UGB was drawn. It appeared on the map that it was  
17 included. Failure to do so in fact was an error and inconsistent with the concept of an  
18 urban growth boundary. He argued that including the subject property in the UGB  
19 increases the efficiency of urban services by making it possible to continue to use the  
20 services that already are provided to the site, spreading the cost of services over a larger,  
21 established client base. He argued that denial of the petition will result in service  
22 inefficiencies, because the property will be lost from the client base, and because the  
23 County will have to re-do the community plan to reflect the change in the UGB location.  
24 Mr. Larrance requested that the hearings officer hold open the public record so that he  
25 could prepare additional written argument. See Exhibit 11.

26  
27 4. At the close of the May 10 hearing, the hearings officer left the record open until  
28 May 17 to receive additional written evidence and testimony, which is noted above.

29  
30 5. On June 14, 1995, the hearings officer filed with the Council a report,  
31 recommendation, and draft final order granting the petition for the reasons provided  
32 therein. Copies of the report and recommendation were timely mailed to parties of record  
33 together with an explanation of rights to file exceptions thereto and notice of the Council  
34 hearing to consider the matter.

1           6. On July \_\_\_\_, 1995, the Council held a duly noticed public hearing to consider  
2 testimony and timely exceptions to the report and recommendation. After considering the  
3 testimony and discussion, the Council voted to grant the petition for Contested Case No.  
4 95-01 (Harvey), based on the findings in this final order, the report and recommendation of  
5 the hearings officer in this matter, and the public record in this matter. The record includes  
6 an audio tape of the public hearing on May 10, 1995 and the exhibits on the list attached to  
7 the final order.

8  
9           **II. APPLICABLE APPROVAL STANDARDS AND RESPONSIVE FINDINGS**

10  
11           1. Metro Code section 3.01.035(b) and (c) contain approval criteria for all  
12 locational adjustments. Metro Code section 3.01.035(f) contains additional approval  
13 criteria for locational adjustments to add land to the UGB. The relevant criteria from those  
14 sections are reprinted below in italic font. Following each criterion are findings explaining  
15 how the petition does or does not comply with that criterion.

16  
17           *All locational adjustment additions and administrative*  
18 *adjustments for any one year shall not exceed 100 net acres*  
19 *and no individual locational adjustment shall exceed 20 net*  
20 *acres. Metro Code section 3.01.035(b)*

21  
22           2. Because a total of less than 2 acres of land has been added to the UGB  
23 by locational and administrative adjustments in the last twelve months, and the  
24 subject property contains only 5.47 acres, including the subject property in the  
25 UGB does not violate either of the size caps in Metro Code section 3.01.035(b).

26  
27           *Orderly and economic provisions of public facilities and*  
28 *services. A locational adjustment shall result in a net*  
29 *improvement in the efficiency of public facilities and services,*  
30 *including but not limited to, water, sewerage, storm drainage,*  
31 *transportation, parks and open space in the adjoining areas*  
32 *within the UGB; and any area to be added must be capable of*  
33 *being served in an orderly and economical fashion.*

34           Metro Code section 3.01.035(c)(1)

1           3. The subject property can be served in an orderly and economic manner by public  
2 facilities and services, including water, sanitary sewers, roads, storm drainage, transit and  
3 emergency services, based on the comments in the record from the service providers.  
4

5           4. Metro rules do not define how to calculate net efficiency of urban services. In  
6 the absence of such rules, the Council must construe the words in practice. In this case,  
7 the Council concludes the locational adjustment results in a net improvement in the  
8 efficiency of public services sufficient to comply with Metro Code section 3.01.035(c)(1),  
9 based on the following findings:  
10

11           a. The subject property is developed with urban uses. It has urban services  
12 connected to and indistinguishable from services inside the UGB. In the past, where a  
13 petition before the Council proposed including developed land with urban services in-place,  
14 the Council has imposed a lower burden of proof than where a petition involved  
15 undeveloped land without in-place services. For instance, contrast the relevant findings in  
16 Council Orders regarding UGB 91-04 (PCC Rock Creek), UGB 91-01 (Dammasch) and  
17 UGB 88-03 (St. Francis) with corresponding findings in Council Orders regarding UGB  
18 94-01 (Starr/Richards), UGB 90-01 (Wagner) and UGB 88-02 (Mt. Tahoma).  
19

20           b. The inclusion of the subject property in the UGB allows those properties  
21 to continue to be used for urban purposes. Therefore, at a minimum, it sustains the  
22 existing efficiency of urban services to the site and adjoining land already in the UGB.  
23 Including the subject property in the UGB also allows those properties to be used more  
24 intensively. Greater intensity of use is reasonably likely to require a greater quantity of  
25 urban services. Because the infrastructure for those services already is in place, this  
26 increase in the intensity of use will cause an increase in the efficiency of urban services,  
27 because more services can be provided without additional infrastructure or capital  
28 development by the service providers, accruing greater per capita return to the providers.  
29

30           (1) For instance, the subject property is served by Tri Met bus route  
31 57, which travels between Portland and Forest Grove. Including the subject property in  
32 the UGB allows it to be used for a more intense use that would generate more transit  
33 ridership without requiring Tri Met to add routes or buses. That improves the efficiency of  
34 transit service delivery on a per capita basis.  
35

1 (2) Also, there is not a sidewalk on the south side of TV Highway.  
2 If the subject property is included in the UGB and is redeveloped, then a sidewalk would  
3 have to be provided to comply with the County Road Standards. That will facilitate  
4 pedestrian access to lands east and west of the site, which already are in the UGB. If the  
5 petition is not granted, a sidewalk is not required to be built.  
6

7 c. Numerous utilities cross the subject property. Including the subject  
8 property in the UGB reduces land use constraints to the effective and efficient management  
9 of those utilities, benefiting the urban area generally. See Exhibit 11.  
10

11 d. Including the subject property in the UGB results in more efficient use  
12 of land use planning services, because it avoids the need to re-do the adopted and  
13 acknowledged Aloha/Reedville/Cooper Mountain Community Plan.  
14

15 *Maximum efficiency of land uses. The amendment shall*  
16 *facilitate needed development on adjacent existing urban land.*  
17 *Needed development, for the purposes of this section, shall*  
18 *mean consistent with the local comprehensive plan and/or*  
19 *applicable regional plans.*

20 Metro Code section 3.01.035(c)(2)  
21

22 5. Including the subject property in the UGB facilitates development on adjacent  
23 existing urban land consistent with the local comprehensive plan, because it reinforces the  
24 historic commercial corridor along TV Highway and the community activity center around  
25 the west edge of the subject property. If the petition is denied, it would preclude urban use  
26 of the subject property, except as a nonconforming use, and would therefore detract from  
27 the character intended by the plan map designation and text for the area.  
28

29 *Environmental, energy, social & economic consequences. Any*  
30 *impact on regional transit corridor development must be*  
31 *positive and any limitations imposed by the presence of hazard*  
32 *or resource lands must be addressed.*

33 Metro Code section 3.01.035(c)(3)  
34

1           6. The Council has considered economic, energy, social and environmental  
2 impacts of including the subject property in the UGB, and concludes that it will not have  
3 adverse economic, energy, social or environmental impact, because:

4  
5           a. Including the land in the UGB results in a positive economic impact by  
6 allowing the historic commercial use of the property to continue, benefiting the property  
7 owners, the business community of which the subject property is a part, and people who  
8 shop or work in that community.

9  
10           b. Including the land in the UGB results in positive energy impacts,  
11 because the land is served by public transit and is developed with existing infrastructure.

12  
13           c. Including the land in the UGB results in positive social impacts, because  
14 it reinforces the business community in which the subject property is situated.

15  
16           d. The land does not contain steep slopes, hazardous soils, wetlands or  
17 natural habitat, or other unique or significant environmental features that could be adversely  
18 affected by urban development.

19  
20           ***Compatibility of proposed urban uses with nearby agricultural***  
21 ***activities. When a proposed adjustment would allow an urban***  
22 ***use in proximity to existing agricultural activities, the***  
23 ***justification in terms of this subsection must clearly outweigh***  
24 ***the adverse impact of any incompatibility.***

25           Metro Code section 3.01.035(c)(5)

26  
27           7. The Council finds there are agricultural activities south of the railroad tracks  
28 south of the subject site, but that potential adverse impacts on those activities from urban  
29 uses on the subject property are not reasonably likely, because the subject property is  
30 separated from agricultural activities by a relatively large distance, railroad tracks, and a  
31 band of mature trees.

32  
33           ***Superiority. [T]he proposed UGB must be superior to the***  
34 ***UGB as presently located based on a consideration of the***  
35 ***factors in subsection (c) of this section.***

36           Metro Code section 3.01.035(f)(2)

1  
2 8. The Council finds that the proposed UGB would be superior to the UGB as  
3 presently located, because the amended UGB would better reflect the historic location of  
4 urban uses on the subject property and would better fulfill the local comprehensive plan for  
5 the area.

6  
7 *Similarly situated land. The proposed UGB amendment must*  
8 *include all similarly situated contiguous land which could also*  
9 *be appropriately included within the UGB as an addition based*  
10 *on the factors above. Metro Code section 3.01.035(f)(3)*

11  
12 9. The Council finds the subject property is isolated from other land outside the  
13 UGB by the railroad tracks. Therefore there is no similarly situated property which could  
14 also be appropriately included within the UGB based on the factors above.

15  
16 10. Even though it is not identified as an applicable approval standard in the Metro  
17 Code, a quasi-judicial amendment to the UGB is subject to compliance with the  
18 Transportation Planning Rule if the amendment will significantly affect a transportation  
19 facility. OAR 660-12-060(1). See Exhibit 6. The Council finds the amendment in this  
20 case will not significantly affect a transportation facility, because the amendment largely  
21 recognizes historic urban use of the land in question. It does not change the functional  
22 classification of adjoining roads or the standards for implementing a functional  
23 classification system. It does not allow uses inconsistent with the functional classification  
24 of the adjoining roads or reduce the level of service of the facility. OAR 660-12-060(2)

25  
26 **III. CONCLUSIONS AND ORDER**

27  
28 1. Public services and facilities, including water, sewer, storm drainage,  
29 transportation, schools, transit and police and fire protection, can be provided to the site in  
30 an orderly and economical fashion.

31  
32 2. Addition of the site would result in a slight improvement in the efficiency of  
33 public services and facilities, because the subject property already is developed with urban  
34 uses and is served by urban infrastructure, so that including the subject property in the  
35 UGB allows the property to be used for more intensive purposes that would result in



1 additional use of available public service capacity without requiring additional investment in  
2 public service infrastructure.

3

4 3. The locational adjustment facilitates development of land within the UGB  
5 consistent with the Washington County Community Development Plan and land use  
6 regulations by allowing the property to be used for urban commercial purposes.

7

8 4. The locational adjustment will have a positive impact on regional transit corridor  
9 development and will not have significant adverse energy, social and environmental  
10 consequences.

11

12 5. The subject property does not include agricultural land, and is separated from  
13 existing agricultural activities by distance and barriers such that there is a negligible  
14 potential for adverse impacts on agricultural activities from urban uses on the subject  
15 property. Therefore the location adjustment will not remove agricultural land nor conflict  
16 with agricultural activities on nearby land.

17

18 6. The locational adjustment will result in a superior UGB, because it allows the  
19 property to be used consistent with the Washington County Community Development Plan  
20 and land use regulations.

21

22 7. The petition includes all similarly situated contiguous land outside the UGB.

23

24 8. The petition complies with the Transportation Planning Rule.

25

26 9. For the foregoing reasons, the Council hereby approves the petition in  
27 Contested Case 95-01.

28

29 DATED: \_\_\_\_\_

30

31 By Order of the Metro Council

32

33 By:  
34 \_\_\_\_\_



ATTACHMENT "A" TO THE FINAL ORDER  
IN THE MATTER OF CONTESTED CASE 95-01

EXHIBITS

| <u>Exhibit No.</u> | <u>Subject matter</u>  |
|--------------------|--|
| 1                  | Petition for locational adjustment   |
| 1A                 | Letter from John Rosenberger to Andy Cotugno dated March 14, 1995            |
| 1B                 | Letter from Ed Harvey to Bonnie Hays dated May 24, 1994                      |
| 1C                 | Letter from John Rosenberger to Andy Cotugno dated October 18, 1994          |
| 1D                 | Letter from Mike Burton to John Rosenberger dated January 18, 1995           |
| 1E                 | Zoning and parcel maps and table of characteristics of petitioned properties |
| 1F                 | Certification of property owners list  |
| 1G                 | Legal description of petitioned properties                                   |
| 1H                 | Letter from Jim Tice to Stuart Todd dated April 3, 1995                      |
| 1I                 | Service provider comment from Tri Met dated March 10, 1995                   |
| 1J                 | Service provider comment from ODOT dated March 1, 1995                       |
| 1K                 | Service provider comment from Tualatin Valley Water District dated 2/16/95   |
| 1L                 | Service provider comment from County Sheriff dated 2/9/95                    |
| 1M                 | Service provider comment from TVFRD dated 2/9/95                             |
| 1N                 | Service provider comment from Unified Sewerage Agency dated 2/8/95           |
| 1O                 | Memorandum from Brent Curtis to Planning Commission dated 2/15/95            |
| 1P                 | Washington County Board of Commissioners agenda for 3/7/95                   |
| 2                  | Mailed notice of public hearing and attached maps                            |
| 3                  | Certificates of mailing of public notices                                    |
| 4                  | List of property owners within 500 feet                                      |
| 5                  | Published notice of hearing  |
| 6                  | Memorandum from Larry Shaw to Andy Cotugno dated April 12, 1995              |
| 7                  | Memorandum from Stuart Todd to Larry Epstein dated April 28, 1995            |
| 8                  | Metro Staff Report dated April 28, 1995                                      |
| 9                  | Letter from Edward Janssen to Metro dated May 9, 1995                        |
| 10                 | Letter from Stuart Todd to Larry Epstein dated 5/15/95 and attached map      |
| 11                 | Letter from Steve Larrance to Stuart Todd dated May 15, 1995                 |
| 12                 | Letter from Jim Tice to Larry Epstein dated May 17, 1995 with enclosure      |
| 13                 | Assessment & Taxation maps (1S-2-11, 11BD, 11AC, 11DA, and 11BC)             |
| 14                 | Washington County GIS maps (land use, transportation, comp plan)             |



**AGENDA ITEM 5.2**  
**Meeting Date: July 27, 1995**

**ORDINANCE NO. 95-613**

**FIRST READING**

**Amending the Urban Growth Boundary for Contested Case 95-3: Jenkins Estate, to Include 68 Acres of Park Property, Located in Washington County.**

**Note: The Hearings Officer will present his report. Action will be taken at the second reading.**



STAFF REPORT

**CONSIDERATION OF ORDINANCE NO. 95-613 AMENDING THE URBAN GROWTH BOUNDARY FOR CONTESTED CASE 95-3: JENKINS ESTATE, TO INCLUDE 68 ACRES OF PARK PROPERTY LOCATED IN WASHINGTON COUNTY.**

Date: July 17, 1995

Presented by: Larry Epstein, Hearings Officer  
Prepared by: Stuart Todd, Growth Management

FACTUAL BACKGROUND AND INFORMATION

The Tualatin Hills Park and Recreation District (THPRD) petitioned Metro in March 1995 for a natural area locational adjustment. The 68 acres, known as the Jenkins Estate, is considered a zero-acre addition of urban land to the Boundary, since there is no traditional development associated with the proposal. A natural area is defined in the Metro Code (3.01) as wholly or substantially in its native and unaffected state without paving or extraction or alteration of watercourses. Also, a natural area must be identified on a local or regional plan and be owned or donated to a parks district.

The reason for the request from THPRD is to make small improvements to the property under a recently approved master plan for the property and to utilize bond funds so designated for these park improvements. By bringing the property inside the Urban Growth Boundary (UGB) THPRD can apply to Washington County for an institutional zone, and avoid non-conforming use status of improvements in the current resource/conservation zones. These improvements include an open field for an amphitheater (200-300 persons), paving one gravel parking area, sewerage the property which includes one failing septic system and improving walking paths on the site.

The Hearings Officer Report and Recommendation found the petition met the criteria for a natural area petition. The proposed findings and final order are attached to the ordinance, including the condition that the property be used as a park.

PROPOSED ACTION

An ordinance amending the UGB for the 68-acre Jenkins Estate. The ordinance adopts the Hearing's Officer Report and Recommendation as well as his Findings, Conclusion and Final Order.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No.95-613.

ST/erb  
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7/11/95





BEFORE THE METRO COUNCIL

AMENDING THE URBAN GROWTH BOUNDARY ) ORDINANCE NO. 95-613  
FOR CONTESTED CASE 95-3: JENKINS ESTATE, )  
TO INCLUDE 68 ACRES OF PARK PROPERTY ) Introduced by Mike Burton  
LOCATED IN WASHINGTON COUNTY ) Executive Officer

WHEREAS, Metro received a petition for a natural are locational adjustment for property owned by the Tualatin Hills Park and Recreation District; and

WHEREAS, A natural area adjustment is considered to be a no net urban acreage gain except for any developable portion, for which there was none in this petition; and

WHEREAS, The Jenkins Estate property is considered to be substantially in its natural and unaffected state, and is identified as a regionally significant greenspace in the Metro Greenspaces Master Plan; and

WHEREAS, Metro held a hearing to consider the petition, conducted by an independent hearings officer on May 25, 1995; and

WHEREAS, No exceptions were received to the Hearings Officer's Report and Recommendation; now, therefore,

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. The Urban Growth Boundary be amended to include the Jenkins Estate as shown in Exhibit A; and
2. The Hearings Officer Report and Recommendation be accepted, as attached herein as Exhibit B; and

3. The Hearings Officer Findings, Conclusions and Final Order be adopted, as attached herein as Exhibit C.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
J. Ruth McFarland, Presiding Officer

ATTEST:

Approved as to Form:




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Recording Secretary

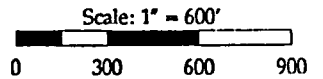
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Daniel B. Cooper, General Counsel

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# UGB Contested Case: 95-3

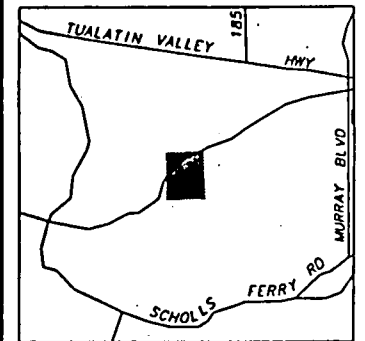
Jenkins Estate

-  Area to be added to UGB
-  Urban growth boundary
-  Proposed UGB

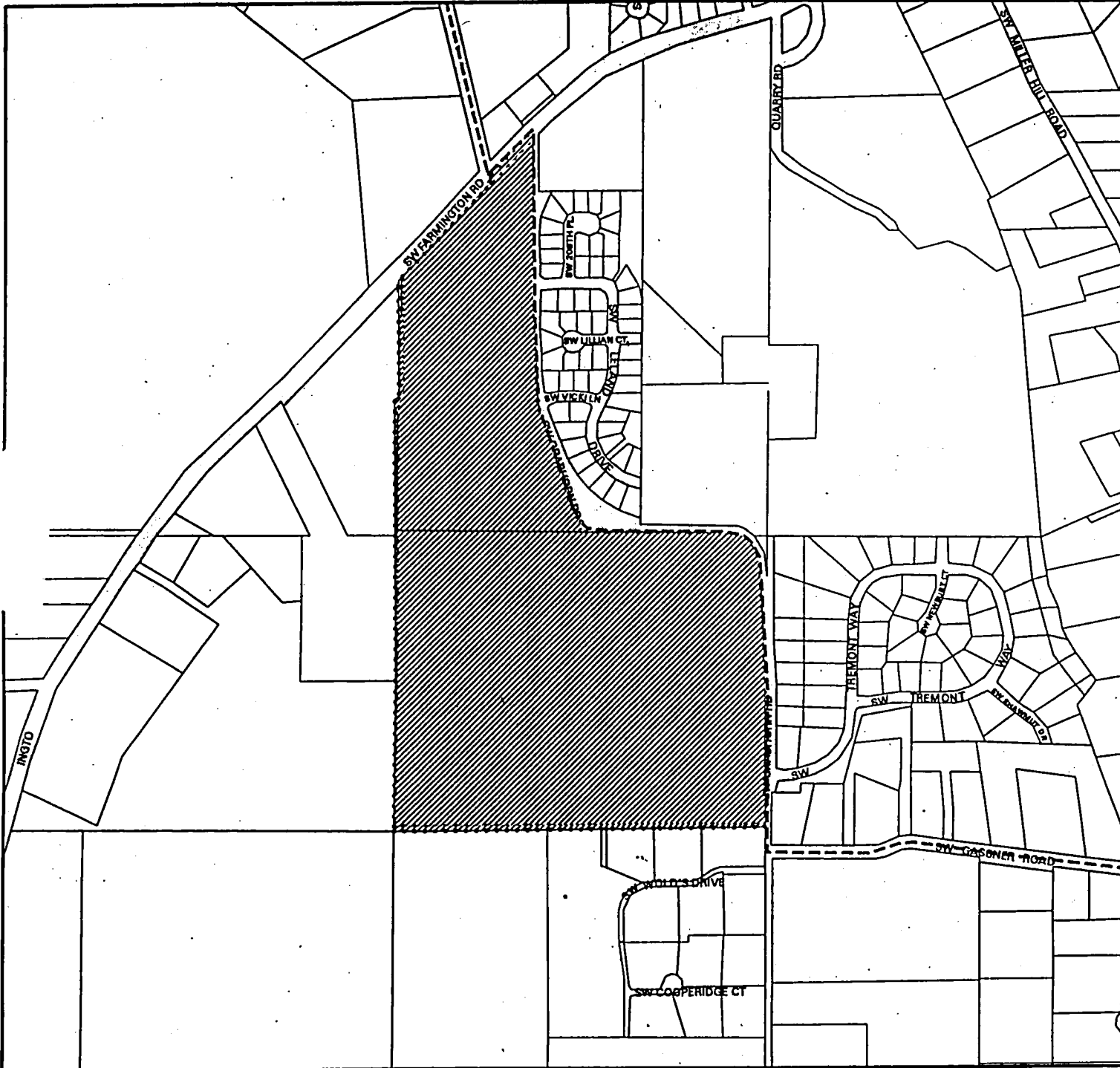


METRO

600 NORTHEAST GRAND AVENUE  
 PORTLAND, OREGON 97232 2736  
 TEL 503 797 1742  
 FAX 503 797 1794  
 Internet dro@metro.org



Location map



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BEFORE THE METRO HEARINGS OFFICER  
IN THE STATE OF OREGON

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In the matter of the petition of Tualatin Hills Park and Recreation District for a natural area locational adjustment to add 68.04 acres to the Urban Growth Boundary in Washington County, Oregon ) HEARINGS OFFICER'S REPORT AND RECOMMENDATION Contested Case No. 95-03

I. SUMMARY OF BASIC FACTS

1. On March 15, 1995, the Tualatin Hills Park and Recreation District ("THPRD" or "petitioners") filed a petition for a natural area locational adjustment to the Urban Growth Boundary ("UGB") to add to the UGB 68.04 acres (the "subject property") known as the "Jenkins Estate". The subject property is owned by THPRD and is used for park and open space purposes, including related structures and improvements. This is the first petition for a natural area locational adjustment under the Metro Code.

a. The subject property is south of Farmington Road and west of Grabhorn Road in unincorporated Washington County. It is designated and zoned AF-10 (Agricultural/Forest) and EFC (Exclusive Forest Conservation). If the petition is approved, the proposed plan and zoning designation will be Urban Institutional. The UGB now adjoins the east and north sides of the subject property. There are homes to the east, homes and businesses to the north, and farms and rural dwellings to the south and west.

2. The subject property is not served by public sewer. It is served by a public water system, roads under jurisdiction of Washington County or the Oregon Department of Transportation ("ODOT"), public transit and emergency services. The petition was accompanied by comments from affected jurisdictions and service providers, each of whom certified they can provide urban services in an orderly and timely manner. Some service providers recommended approval; others took a neutral position regarding the locational adjustment. None objected to it.

3. Metro hearings officer Larry Epstein (the "hearings officer") held a duly noticed public hearing on May 25, 1995. Four witnesses testified in person in favor of the petition. At the conclusion of that hearing, the hearings officer closed the public record. There was no oral or written testimony against the petition.

1           **II. SUMMARY OF APPLICABLE STANDARDS AND RESPONSIVE FINDINGS**

2  
3           1. A natural area locational adjustment to add land to the UGB must comply with  
4 the relevant provisions of Metro Code ("MC") sections 3.01.035(f) and (g) and with the  
5 Transportation Planning Rule in Oregon Administrative Rule ("OAR") section 660-12.

6  
7           2. The hearings officer found that the petition complies with the applicable  
8 standards based on findings summarized below:

9  
10           a. The petition is proposed by the owner of the property, who also is a  
11 public agency with recognized park and recreation responsibilities. MC 3.01.035(g)(1).

12  
13           b. The subject property is substantially in a natural state. MC  
14 3.01.035(g)(2). There is some development on the property, including the main residence,  
15 a farm house, a stable, a pump house, a carriage house, a water tower and Camp Rivendale  
16 day camp. However the majority of the property is in a forested or pasture condition.  
17 Development that has occurred or is anticipated on the property affects a relatively small  
18 area of the property, and serves only the park and recreational use of the property. Given  
19 these facts, the hearings officer recommends the Council find that the subject property is  
20 substantially without human development and is substantially in a native condition.

21  
22           c. The hearings officer recommends that the Council find that the subject  
23 property does not contain "developable" area, as that term is used in MC 3.01.035(g)(3)  
24 and (g)(5), because the property is used exclusively for park and recreation purposes. The  
25 term "developable" is ambiguous. The hearings officer recommends the Council construe  
26 that term to exclude the park and open space activities in this petition, because such  
27 activities depend on the preservation of the natural and undeveloped character of the subject  
28 property. Although those activities may require a limited amount and area of grading,  
29 construction, and paving commonly recognized as development in local land use codes,  
30 they are secondary to the primary use of the land for park and open space. As long as  
31 those activities remain secondary to the principal open space character of the property, the  
32 hearings officer believes they should not be construed to be development in this context.  
33 However, because the subject property could be used for other than park and open space  
34 purposes if the petition is approved, the hearings officer also recommends the Council  
35 impose a condition of approval prohibiting use of the property for other than park and open  
36 space purposes and related incidental and accessory purposes.

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d. The subject property is identified as open space on the Metro open space inventory. MC 3.01.035(g)(4).

e. The proposed UGB is superior to the existing UGB, because it includes land that is and has been used principally to serve residents of the urban area. MC 3.01.035(f)(2).

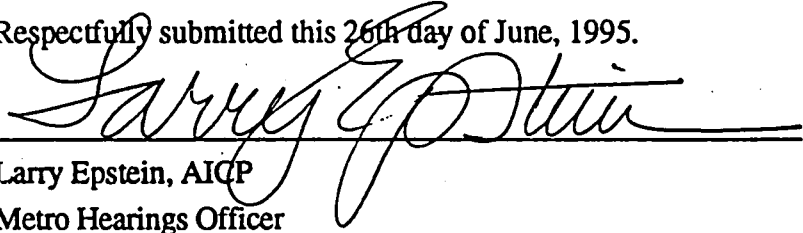
f. The petition includes all similarly situated land. MC 3.01.035(f)(3).

g. The locational adjustment will not significantly affect a transportation facility. Therefore it is exempt from the Transportation Planning Rule. OAR 660-12-060.

**III. ULTIMATE CONCLUSION AND RECOMMENDATION**

For the foregoing reasons, the hearings officer concludes the petition complies with the relevant approval standards for a natural area locational adjustment adding land to the UGB, subject to a condition limiting the permitted use of the property to park and open space purposes and related accessory incidental uses. Therefore the hearings officer recommends the Metro Council grant the petition, subject to the recommended condition, based on this Report and Recommendation and the Findings, Conclusions and Final Order attached hereto.

Respectfully submitted this 26th day of June, 1995.

  
\_\_\_\_\_  
Larry Epstein, AIGP  
Metro Hearings Officer





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BEFORE THE METRO COUNCIL  
IN THE STATE OF OREGON

In the matter of the petition of Tualatin Hills Park and Recreation District for a natural area locational adjustment to add 68.04 acres to the Urban Growth Boundary in Washington County, Oregon ) FINDINGS,  
) CONCLUSIONS &  
) FINAL ORDER  
) Contested Case No. 95-03

I. BASIC FACTS

1. On March 15, 1995, the Tualatin Hills Park and Recreation District ("THPRD" or "petitioners") filed a petition for a natural area locational adjustment to the Urban Growth Boundary ("UGB"), including exhibits required by Metro rules for natural area locational adjustments. See Exhibit 1 for the petition for locational adjustment (the "petition"). Basic facts about the petition include the following:

a. The petitioner proposes to add two tax lots containing 68.04 acres to the UGB (TL 100, NE 1/4 of Section 25, T1S-R2W and TL 1100, SE 1/4 of Section 23, T1S-R2W, WM, Washington County (the "subject property")). The legal description of the subject property is included as Exhibit 1G. It is situated south of and adjoining SW Farmington Road and west of and adjoining Grabhorn Road. It adjoins the existing UGB. The subject property commonly is known as the "Jenkins Estate." The property contains substantial forest and meadow areas and improvements associated with the historic homestead on the property, including the main residence, a farm house, a stable, a pump house, a carriage house, a water tower and Camp Rivendale day camp. The property is used as a recreational site. It is not occupied for residential purposes. To the east of Grabhorn Road are single family homes in urban subdivisions. To the south and west are rural residences and farmland. To the north are residential and commercial uses along Farmington Road.

b. The subject property is in Washington County for purposes of land use planning. The County Community Development Plan designates the north third of the property as Agricultural/Forest and the remainder as Exclusive Forest Conservation. The north third of the property is zoned AF-10 (Agricultural/Forest) and the remainder is zoned EFC (Exclusive Forest Conservation). If the petition is approved, the proposed plan map designation and zoning will be Urban Institutional.

1  
2 c. The subject property is not served by public sanitary sewer, but USA  
3 indicates they can serve the property with sewer from a line with 150 feet of the property.  
4 Service is being considered now regardless of the UGB amendment, because a septic  
5 system on the property has failed. See Exhibit 1H. The subject property is served by a  
6 public water system operated by Tualatin Valley Water District. The subject property  
7 adjoins Farmington Road, a major arterial under jurisdiction of the Oregon Department of  
8 Transportation ("ODOT"), and Grabhorn Road, a major collector under county jurisdiction.  
9 There is direct vehicular access from the subject property to Grabhorn Road and pedestrian-  
10 only access to Farmington Road. Tri-Met provides bus service along Farmington Road.  
11 The Washington County Sheriff and Tualatin Valley Fire and Rescue District ("TVFRD")  
12 provide emergency services to the property. Each of the special districts or jurisdictions  
13 with public facility responsibilities testified in writing that they can serve the subject  
14 property, and that they either support or have a neutral position regarding the locational  
15 adjustment in this case. See Exhibits 1H through 1M. The Washington County Board of  
16 Commissioners also submitted a written statement in support of the locational adjustment.  
17 See Exhibit 1O.

18  
19 2. On or before May 4, 1995, Metro staff mailed notices of a hearing to consider  
20 the petition by certified mail to the owners of property within 500 feet of the subject  
21 property and to other individuals and entities entitled to notice under the Metro Code. The  
22 notice and certificate of mailing are included as Exhibits 2 and 3. A notice of the hearing  
23 also was published in *The Oregonian* at least 10 days before the hearing. See Exhibit 5.  
24

25 3. On May 25, 1995, Metro hearings officer Larry Epstein (the "hearings officer")  
26 held a public hearing at the THPRD offices at 15707 SW Walker Road, Beaverton, to  
27 consider the petition. After the hearings officer described the rules for the hearing and the  
28 relevant standards for the petition, four witnesses testified in person.

29  
30 a. Metro planner Stuart Todd identified and described the subject property  
31 and surrounding area. He summarized the written staff report and submitted an amendment  
32 to it together with a memorandum from the petitioner. See Exhibits 7 and 8. He urged the  
33 hearings officer to recommend that Council approve the locational adjustment for the  
34 reasons contained therein.  
35

1                   b. Jim McElhinny, Tom Jones and Dave Siegel testified in favor of the  
2 petition.

3  
4                   (1) Mr. McElhinny summarized the history of the use of the subject  
5 property and the petitioner's intentions if the locational adjustment is approved.

6  
7                   (2) Mr. Jones summarized the master plan for the subject property,  
8 noting that the existing nonconforming status of the recreational use on the property makes  
9 it difficult to implement the master plan, even to do something as simple as installing a rest  
10 room for handicapped people. Washington County cannot apply an institutional zone  
11 outside the UGB, so the locational adjustment is needed to allow zoning that would make  
12 the park a conforming use. He noted that septic systems serving several buildings on the  
13 site have failed, and the locational adjustment is needed to allow sewer service without an  
14 extraordinary extraterritorial extension.

15  
16                   (3) Mr. Siegel testified about traffic and the surrounding roads and  
17 responded to questions.

18  
19                   c. Richard Turner, who owns property south of the subject property,  
20 testified with questions about noise from and the proposed operating hours of the park and  
21 camp in general and a planned open-air amphitheater and parking in particular. Mr.  
22 McElhinny responded that the amphitheater will accommodate 250 to 300 people at a time.  
23 The camp serves 280 to 400 children per camp day. The proposed parking is intended to  
24 replace existing on-street parking, thereby making the streets safer for vehicles and  
25 pedestrians.

26  
27                   4. At the close of the May 25 hearing, the hearings officer closed the public record.

28  
29                   5. On June 26, 1995, the hearings officer filed with the Council a report,  
30 recommendation, and draft final order granting the petition for the reasons provided  
31 therein. Copies of the report and recommendation were timely mailed to parties of record  
32 together with an explanation of rights to file exceptions thereto and notice of the Council  
33 hearing to consider the matter.

1           6. On \_\_\_\_\_, 1995, the Council held a duly noticed public hearing to  
2 consider testimony and timely exceptions to the report and recommendation. After  
3 considering the testimony and discussion, the Council voted to grant the petition for  
4 Contested Case No. 95-03 (Jenkins Estate), based on the findings in this final order, the  
5 report and recommendation of the hearings officer in this matter, and the public record in  
6 this matter. The record includes an audio tape of the public hearing on May 25, 1995 and  
7 the exhibits on the list attached to the final order.

8  
9           **II. APPLICABLE APPROVAL STANDARDS AND RESPONSIVE FINDINGS**

10  
11           1. Metro Code section 3.01.035(f) and (g) contain approval criteria for natural area  
12 locational adjustments. The relevant criteria from those sections are reprinted below in  
13 italic font. Following each criterion are findings explaining how the petition does or does  
14 not comply with that criterion.

15  
16           *Natural area adjustments must be proposed by the property*  
17 *owner with concurrence from the agency accepting the natural*  
18 *area. Metro Code section 3.01.035(g)(1)*

19  
20           2. The petitioner owns the subject property and is a public agency. Therefore the  
21 petition complies with MC 3.01.035(g)(1).

22  
23           *At least 50% of the land and all land in excess of 40 acres in*  
24 *the petition shall be owned or donated to a parks district in its*  
25 *natural state without extraction of resources or alteration of*  
26 *water features. Metro Code section 3.01.035(g)(2)*

27  
28           3. All of the subject property is and will continue to be owned by a park district.  
29 No extraction of resources or alteration of water features has occurred on the property. The  
30 subject property has been used for a farm, park and day camp, and there are structures and  
31 improvements reflecting that historic use. That raises an issue of whether the property or at  
32 least 50% of the property is in a "natural" state. The Council finds that property is in a  
33 natural state if it is exclusively or substantially without human development, structures and  
34 paved areas and which is wholly or substantially in a native and unaffected state. This  
35 closely parallels the definition of "natural area" in MC 3.01.10(l). In this case, because the  
36 majority of the property is forest and pasture land, enough of the property in question is in

1 a natural state to fulfill the "natural" state requirement in this section. Therefore the petition  
2 complies with MC 3.01.035(g)(2).

3

4 *Any developable portion of the area included in the petition,*  
5 *not designated as natural area, shall not exceed 20 acres and*  
6 *shall lie between the existing UGB and the natural area.*

7 Metro Code section 3.01.035(g)(3)

8

9 5. To address MC 3.01.035(g)(3), Council must define the term "developable",  
10 because it is ambiguous. Any land *can* be developed. Council did not intend to apply the  
11 term so strictly, or else natural area locational adjustments would not be possible. Council  
12 finds that land that is held exclusively for parks and open space use and is identified as  
13 such in the Metro inventory of open spaces is not developable in the sense that Council  
14 intended that term. Therefore, if the subject property is used only for parks and open space  
15 purposes, it is not developable.

16

17 6. In this case, petitioner owns the property and has been using and intends to  
18 continue to use the property for park and open space purposes. However, notwithstanding  
19 this history and intent, in the absence of conditions restricting the future use of the  
20 property, it could be used for any purpose if it is included in the UGB. Council notes that  
21 is what happened after a locational adjustment was granted for the Dammasch State  
22 Hospital. It is to be used for other purposes, notwithstanding the locational adjustment  
23 was approved based in part on the property's continued use for a hospital.

24

25 7. Pursuant to MC 3.01.04(a), the Council finds that the petition should be granted  
26 subject to a condition that limits use of the property to park and open space purposes and  
27 accessory activities. If this condition is imposed, Council finds the petition complies with  
28 MC 3.01.035(g)(3), because the subject property is not developable. The Council further  
29 finds that limited use of the property for incidental accessory activities that are clearly  
30 secondary to the use of the property for park and open space purposes should be permitted  
31 by the condition of approval. This would allow the petitioner to conduct such activities as  
32 day camping, concerts, weddings and similar personal, cultural and business events,  
33 provided such events do not dominate use of the property.

34

1           ***The natural area must be identified in a city or county***  
2           ***comprehensive plan as open space or the equivalent, or in***  
3           ***Metro's natural area and open space inventory.***

4           Metro Code section 3.01.035(g)(4)

5  
6           8. The subject property is identified a "regionally significant greenspace in public  
7 ownership" in the Metro Greenspace Master Plan.

8  
9           ***The developable portion of the petition shall meet additional***  
10          ***locational adjustment criteria, including orderly and economic***  
11          ***provision of services, maximum efficiency of land uses, and***  
12          ***environmental, energy, social & economic consequences.***

13          Metro Code section 3.01.035(g)(5)

14  
15          9. As noted above, the Council finds the subject property is not developable.  
16 Therefore MC 3.01.035(g)(5) does not apply in this case.

17  
18          ***The proposed UGB must be superior to the UGB as presently***  
19          ***located based on a consideration of the factors in subsection***  
20          ***(c) of this section. Metro Code section 3.01.035(f)(2)***

21  
22          10. The Council finds that the proposed UGB would be superior to the UGB as  
23 presently located, because the amended UGB would include in the urban area property  
24 used for park and open space purposes principally for residents of the urban area. Because  
25 the park will serve an increasing number of urban area residents, even the substantially  
26 natural park area will need to provide basic infrastructure for those users, such as sewer  
27 and water service. The proposed UGB also would be superior to the UGB as presently  
28 located, because it would allow public sewer and water systems to serve the property.

29  
30          ***The proposed UGB amendment must include all similarly***  
31          ***situated contiguous land which could also be appropriately***  
32          ***included within the UGB as an addition based on the factors***  
33          ***above. Metro Code section 3.01.035(f)(3)***



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2. Substantially all of the subject property is in a natural state, because it is used exclusively for park and open space purposes and consists largely of forest and meadow.

3. The subject property does not include "developable" land, because the property is used only for park and open space purposes. However, to ensure the land continues to be used for that purpose, the natural area locational adjustment should be approved only if subject to a condition limiting use of the property to park and open space purposes and related incidental accessory activities, such as day camping, concerts, weddings and similar personal, cultural and business events.

4. The subject property is identified a "regionally significant greenspace in public ownership" in the Metro Greenspace Master Plan.

5. The locational adjustment will result in a superior UGB, because it includes in the UGB property that is and will be used primarily to fulfill the park and recreation needs of residents of the urban area, and because it allows connection to urban services necessarily to accommodate the users of the property.

6. The petition includes all similarly situated contiguous land outside the UGB.

7. The petition complies with the Transportation Planning Rule.

8. For the foregoing reasons, the Council hereby approves the petition in Contested Case 95-03 (Jenkins Estate), subject to the following condition of approval:

The subject property may be used only for park and open space purposes and related incidental accessory activities, such as day camping, concerts and weddings and similar personal, cultural and business events.

DATED: \_\_\_\_\_

By Order of the Metro Council

By: \_\_\_\_\_



ATTACHMENT "A" TO THE FINAL ORDER  
IN THE MATTER OF CONTESTED CASE 95-03 (Jenkins Estate)

EXHIBITS

| <u>Exhibit No.</u> | <u>Subject matter</u>  |
|--------------------|--|
| 1                  | Petition for locational adjustment   |
| 1A                 | Letter from David Siegel to Stuart Todd dated March 15, 1995                 |
| 1B                 | Calculation of UGB Amendment Deposit and copy of deposit check               |
| 1C                 | Executive summary  |
| 1D                 | Site plan superimposed on aerial photograph                                  |
| 1E                 | Zoning and parcel maps   |
| 1F                 | List of property owners  |
| 1G                 | Legal description of petitioned properties                                   |
| 1H                 | Service provider comment from Unified Sewerage Agency dated 3/2/95           |
| 1I                 | Service provider comment from Unified Sewerage Agency dated 3/2/95           |
| 1J                 | Service provider comment from Tualatin Valley Water District dated 3/2/95    |
| 1K                 | Service provider comment from TVFRD dated 3/3/95                             |
| 1L                 | Service provider comment from County Sheriff dated 3/3/95                    |
| 1M                 | Service provider comment from ODOT dated 3/3/95                              |
| 1N                 | Letter from John Rosenberger to Andy Cotugno dated 3/3/95                    |
| 1O                 | Washington County Board of Commissioners agenda for 3/28/95                  |
| 1P                 | Memorandum from Brent Curtis to Planning Commission dated 3/14/95            |
| 1Q                 | Letter from David Siegel to Stuart Todd dated 4/3/95 certifying mailing list |
| 2                  | Mailed notice of public hearing and attached maps                            |
| 3                  | Certificates of mailing of public notices                                    |
| 4                  | Letter from Charles Ciekko to Stuart Todd dated 4/13/95                      |
| 5                  | Published notice of hearing  |
| 6                  | Metro Staff Report dated 5/15/95 and attachments                             |
| 7                  | Letter from Stuart Todd to Larry Epstein dated 5/25/95                       |
| 8                  | Memorandum from Michelle Becker to Dave Siegel dated 5/19/95                 |



**AGENDA ITEM 6.1**  
**Meeting Date: July 27, 1995**

**Resolution No. 95-2179**

**Resolution No. 95-2179, For the Purpose of Authorizing an Exemption From  
Competitive Bidding and Authorizing Sole-Source and Multi-Year Contracts to  
Agra Earth and Environmental, and Antech Analysis Technology for Sampling  
and Testing of Yard Debris Compost.**



SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 95-2179, FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION FROM COMPETITIVE BIDDING AND AUTHORIZING SOLE-SOURCE AND MULTI-YEAR CONTRACTS TO AGRA EARTH AND ENVIRONMENTAL, AND ANTECH ANALYSIS TECHNOLOGY FOR SAMPLING AND TESTING OF YARD DEBRIS COMPOST

-----

Date: July 19, 1995

Presented by: Councilor McLain

Committee Recommendation: At the July 18 meeting, the Committee voted unanimously to recommend Council adoption of Resolution No. 95-2179. Voting in favor: Councilors Kvistad, McFarland and McLain.

Committee Issues/Discussion: Debbie Gorham, Waste Reduction and Planning Services Manager, and Lauren Ettlin, Associate Solid Waste Planner, presented the staff report. Ettlin explained that the purpose of the resolution was to enter into sole-source multi-year contracts with two companies for the sampling and collection of yard debris for testing and the actual testing of the samples. AGRA Earth and Environmental would be responsible for sample collection and Antech Analysis Technology would do the testing.

Ettlin commented that yard debris compost must be free of contaminants such as heavy metals and seeds in order to be effectively marketed. Ettlin noted that Metro has been involved in the testing of yard debris since 1988 to help insure end users that the products being produced within the region were acceptable.

The testing program became part of Metro's Earthwise Compost Program last year. Processors who successfully participate in the testing program may use the designation "earthwise compost" in marketing their products. Currently, nine of the eighteen yard debris compost processors in the region are participating in the program. Each processor pays \$1,000 to help defray the cost of the program, estimated to be \$22,100 for FY 95-96.

Councilor McFarland noted that a sole-source contract was being requested and asked if there are other competitors that also perform this type of work. Ettlin noted that when the sampling and collection work was originally bid out, AGRA was the only bidder. She indicated that other firms declined to bid because of the small amount of work involved. She also noted that Antech was the only firm that performed this type of testing in the Portland area. Antech has been used by Metro to perform yard debris testing since 1988.

Councilor McLain commented that, while she supported the use of a sol-source contract at this time, she wanted the record to show that she would favor a competitive process when the contracts proposed in the resolution expire.



BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AUTHORIZING AN )  
EXEMPTION FROM COMPETITIVE BIDDING )  
AND AUTHORIZING SOLE-SOURCE AND )  
MULTI-YEAR CONTRACTS TO AGRA EARTH )  
AND ENVIRONMENTAL, AND ANTECH )  
ANALYSIS TECHNOLOGY FOR SAMPLING )  
AND TESTING OF YARD DEBRIS COMPOST )

RESOLUTION NO. 95-2179

Introduced by Mike Burton  
Executive Officer

WHEREAS, Metro Resolution No. 91-1889 adopted the Earth-Wise Compost standards and designation program; and

WHEREAS, The purpose of the Earth-Wise Compost program is to provide greater assurance that compost will cause no harm to human health and the environment, and to increase the demand for locally-produced yard debris compost; and

WHEREAS, Consistency in sampling and testing procedures over time is critical to achieving comparable and credible results, and AGRA Earth and Environmental, and Antech Analysis Technology are the current contractors; and

WHEREAS, Antech Analysis Technology is the only laboratory in the Metro area that tests for heavy metals and pesticides; and

WHEREAS, The use of sole-source and multi-year contracts will result in cost savings to Metro; and

WHEREAS, Metro Code Sections 2.04.060 and 2.04.033 require that the Metro Contract Review Board approve sole-source contracts and multi-year contracts; and

WHEREAS, The resolution was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now therefore,

BE IT RESOLVED, That the Metro Contract Review Board hereby

1. Grants an exemption from the competitive bidding requirements; and

2. Authorizes the Executive Officer to enter into sole-source, multi-year contracts with AGRA Earth and Environmental, and Antech Analysis Technology under the terms and conditions specified in Exhibit A attached to this resolution.

ADOPTED by the Metro Contract Review Board this \_\_\_ day of \_\_\_\_\_, 1995.

---

J. Ruth McFarland, Presiding Officer

Approved as to Form:

---

Daniel B. Cooper, General Counsel

LZ:gbc  
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Exhibit A  
**PERSONAL SERVICES AGREEMENT**

THIS AGREEMENT is between Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, located at 600 NE Grand Avenue, Portland, Oregon 97232, and ANTECH ANALYSIS TECHNOLOGY, referred to herein as "Contractor," located at 501 NE Thompson Mill Road, Corbett, OR 97019. In exchange for the promises and other consideration set forth below, the parties agree as follows:

1. Duration. This personal services agreement shall be effective on the last signature date below and shall remain in effect until and including June 30, 1997, unless terminated or extended as provided in this Agreement.

2. Scope of Work. Contractor shall provide all services and materials specified in the attached "Exhibit A -- Scope of Work," which is incorporated into this Agreement by reference. All services and materials shall be provided by Contractor in accordance with the Scope of Work, in a competent and professional manner. To the extent that the Scope of Work contains additional contract provisions or waives any provision in the body of this Agreement, the Scope of Work shall control.

3. Payment. Metro shall pay Contractor for services performed and materials delivered in the amount(s), manner and at the time(s) specified in the Scope of Work for a maximum sum not to exceed ELEVEN THOUSAND DOLLARS AND NO/100ths (\$11,000.00).

4. Insurance.

a. Contractor shall purchase and maintain at the Contractor's expense, the following types of insurance, covering the Contractor, its employees, and agents:

(1) Broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy must be endorsed with contractual liability coverage; and

(2) Automobile bodily injury and property damage liability insurance.

b. Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.

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c. Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSUREDS. Notice of any material change or policy cancellation shall be provided to Metro 30 days prior to the change or cancellation.

d. Contractor, its subcontractors, if any, and all employers working under this Agreement that are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Contractor shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If Contractor has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached, as Exhibit B, in lieu of the certificate showing current Workers' Compensation.

e. If required by the Scope of Work, Contractor shall maintain for the duration of this Agreement professional liability insurance covering personal injury and property damage arising from errors, omissions, or malpractice. Coverage shall be in the minimum amount of \$500,000. Contractor shall provide to Metro a certificate of this insurance, and 30 days' advance notice of material change or cancellation.

5. Indemnification. Contractor shall indemnify and hold Metro, its agents, employees and elected officials harmless from any and all claims, demands, damages, actions, losses and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Agreement, or with any patent infringement or copyright claims arising out of the use of Contractor's designs or other materials by Metro and for any claims or disputes involving subcontractors.

6. Maintenance of Records. Contractor shall maintain all of its records relating to the Scope of Work on a generally recognized accounting basis and allow Metro the opportunity to inspect and/or copy such records at a convenient place during normal business hours. All required records shall be maintained by Contractor for three years after Metro makes final payment and all other pending matters are closed.

7. Ownership of Documents. All documents of any nature including, but not limited to, reports, drawings, works of art and photographs, produced by Contractor pursuant to this Agreement are the property of Metro, and it is agreed by the parties that such documents are works made for hire. Contractor hereby conveys, transfers, and grants to Metro all rights of reproduction and the copyright to all such documents.

8. Project Information. Contractor shall share all project information and fully cooperate with Metro, informing Metro of all aspects of the project including actual or potential problems or defects. Contractor shall abstain from releasing any information or project news without the prior and specific written approval of Metro.

9. Independent Contractor Status. Contractor shall be an independent contractor for all purposes and shall be entitled only to the compensation provided for in this Agreement. Under no circumstances shall Contractor be considered an employee of Metro. Contractor shall provide all tools or equipment necessary to carry out this Agreement, and shall exercise complete control in achieving the results specified in the Scope of Work. Contractor is solely responsible for its performance under this Agreement and the quality of its work; for obtaining and maintaining all licenses and certifications necessary to carry out this Agreement; for payment of any fees, taxes, royalties, or other expenses necessary to complete the work except as otherwise specified in the Scope of Work; and for meeting all other requirements of law in carrying out this Agreement. Contractor shall identify and certify tax status and identification number through execution of IRS form W-9 prior to submitting any request for payment to Metro.

10. Right to Withhold Payments. Metro shall have the right to withhold from payments due to Contractor such sums as necessary, in Metro's sole opinion, to protect Metro against any loss, damage, or claim which may result from Contractor's performance or failure to perform under this Agreement or the failure of Contractor to make proper payment to any suppliers or subcontractors.

11. State and Federal Law Constraints. Both parties shall comply with the public contracting provisions of ORS chapter 279, and the recycling provisions of ORS 279.545 - 279.650, to the extent those provisions apply to this Agreement. All such provisions required to be included in this Agreement are incorporated herein by reference. Contractor shall comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations including those of the Americans with Disabilities Act.

12. Situs. The situs of this Agreement is Portland, Oregon. Any litigation over this agreement shall be governed by the laws of the state of Oregon and shall be conducted in the circuit court of the state of Oregon, for Multnomah County, or, if jurisdiction is proper, in the U.S. District Court for the District of Oregon.

13. Assignment. This Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstance, be assigned or transferred by either party.

14. Termination. This Agreement may be terminated by mutual consent of the parties. In addition, Metro may terminate this Agreement by giving Contractor five days prior written notice of intent to terminate, without waiving any claims or remedies it may have against Contractor. Termination shall not excuse payment for expenses properly incurred prior to notice of termination, but neither party shall be liable for indirect or consequential damages arising from termination under this section.

15. No Waiver of Claims. The failure to enforce any provision of this Agreement shall not constitute a waiver by Metro of that or any other provision.

16. Modification. Notwithstanding any and all prior agreements or practices, this Agreement constitutes the entire Agreement between the parties, and may only be modified in a writing signed by both parties.

ANTECH ANALYSIS TECHNOLOGY

METRO

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print name and title

\_\_\_\_\_  
Print name and title

\_\_\_\_\_  
Date  
s/share/ett/earth-wis/904395.psa

\_\_\_\_\_  
Date

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**Exhibit A  
Scope of Work**

Project Purpose

The project involves laboratory testing to determine the presence of cadmium, lead, chlordane and pentachlorophenol in samples of yard debris compost. This project also includes an interpretation of test results.

This testing program is part of Metro's Earth-Wise Compost Marketing Program.

It is estimated that approximately a total of 40 samples will be tested during this two-year contract, two samples from each of 10 processors of yard debris compost each year. The actual number may be more or less than 40 samples.

Specific Work to be Accomplished

This is a two-year contract. Contractor will perform all of the tasks below during FY 1995-96 (July 1, 1995 through June 30, 1996) and again in FY 1996-97 (July 1, 1996 through June 30, 1997).

1. Compost samples will be collected from each processor and delivered to Contractor by AGRA Earth and Environmental, who is on contract to Metro. Each sample will be approximately one quart. The first set of samples will be delivered in September 1995 for FY 1995-96 and September 1996 for FY 1996-97.
2. A number of additional samples, not to exceed 10, may be collected during the contract year for tests to be performed on an "as-needed" basis.
3. Contractor will conduct indicated testing within one week of receipt of Metro sample.
4. Contractor will analyze each sample by gas chromatography/electron capture (GC/EC) or other appropriate means to determine the presence of the following chemicals for the following costs:

| Test                                    | To determine the presence of: | Cost per sample through Dec. 31, 1995 | Cost per sample beginning Jan. 1, 1996 | Detection Limit |
|---|-------------------------------|---------------------------------------|--|-----------------|
| Pesticide                               | chlordane                     | \$85.00                               | \$100.00                               | 0.001 ppm       |
| Pesticide                               | pentachlorophenol             | \$95.00                               | \$110.00                               | 0.001 ppm       |
| Metals                                  | cadmium                       | \$23.00                               | \$25.00                                | 0.06 ppm        |
| Metals                                  | lead                          | \$23.00                               | \$25.00                                | 1.0 ppm         |
| <b>Cost per sample (for all tests):</b> |                               | <b>\$226.00</b>                       | <b>\$260.00</b>                        |                 |

5. If a significant level of any compound is found, Contractor will discuss the results with Metro and provide interpretation.
6. Contractor shall submit a synopsis of test results within fifteen working days of receiving compost samples. For each material tested, the synopsis shall include detection limits and methodology. Contractor shall send a copy of test results to Metro's designated contractor and a duplicate copy to Metro. The first and second sets of test results are due as shown on the timeline below.
7. Upon request, Contractor shall provide any technical background information necessary to verify the methods used and accuracy of the tests conducted.
8. All products resulting from this Agreement, including test results and analyses, shall be held confidentially by Contractor, and shall be disclosed only to Metro and Metro's designated contractor.

**Changes to Form Contract**

1. The product liability coverage requirement is deleted from paragraph 4.a. (1) of the contract.

**Timeline**

| <b>Task</b>  | <b>Due Date</b>  |
|--|--|
| Receive set one of samples. Begin tests.                                   | For FY 1995-96: September 1995<br>For FY 1996-97: September 1996     |
| Test results due to Metro, duplicate copy to AGRA Earth and Environmental  | For FY 1995-96: November 1, 1995<br>For FY 1996-97: November 1, 1996 |
| Receive second set of samples. Begin tests.                                | For FY 1995-96: May 15, 1996<br>For FY 1996-97: May 15, 1997         |
| Test results due to Metro, duplicate copy to AGRA Earth and Environmental. | For FY 1995-96: June 7, 1996<br>For FY 1996-97: June 7, 1997         |

**Terms of Payment**

1. After completing each test and conveying the results to Metro, Antech Analysis/Technology will invoice Metro according to the unit costs set forth above.
2. The cost for any additional testing performed will be negotiated in good faith between Metro and Contractor.

3. The maximum compensation which Metro shall be obligated to pay Contractor for services performed pursuant to this Agreement shall be \$11,000.00. This maximum sum shall include all fees, costs and expenses of whatever nature. Contractor's invoices shall include an itemized statement of the work done during the billing period, and will not be submitted more frequently than once a month. Send invoices to Metro, Attention Solid Waste Department. Metro shall pay Contractor within 30 days of receipt of an approved invoice.

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**PERSONAL SERVICES AGREEMENT**

THIS AGREEMENT is between Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, located at 600 NE Grand Avenue, Portland, Oregon 97232, and AGRA Earth and Environmental Inc., referred to herein as "Contractor," located at 7477 SW Tech Drive Portland, OR 97223-8025.

In exchange for the promises and other consideration set forth below, the parties agree as follows:

1. Duration. This personal services agreement shall be effective on the last signature date below and shall remain in effect until and including June 30, 1997, unless terminated or extended as provided in this Agreement.

2. Scope of Work. Contractor shall provide all services and materials specified in the attached "Exhibit A -- Scope of Work," which is incorporated into this Agreement by reference. All services and materials shall be provided by Contractor in accordance with the Scope of Work, in a competent and professional manner. To the extent that the Scope of Work contains additional contract provisions or waives any provision in the body of this Agreement, the Scope of Work shall control.

3. Payment. Metro shall pay Contractor for services performed and materials delivered in the amount(s), manner and at the time(s) specified in the Scope of Work for a maximum sum not to exceed TWENTY THOUSAND TWO HUNDRED DOLLARS (\$20,200.00).

4. Insurance.

a. Contractor shall purchase and maintain at the Contractor's expense, the following types of insurance, covering the Contractor, its employees, and agents:

(1) Broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy must be endorsed with contractual liability coverage; and

(2) Automobile bodily injury and property damage liability insurance.



b. Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.

c. Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSUREDS. Notice of any material change or policy cancellation shall be provided to Metro 30 days prior to the change or cancellation.

d. Contractor, its subcontractors, if any, and all employers working under this Agreement that are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Contractor shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If Contractor has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached, as Exhibit B, in lieu of the certificate showing current Workers' Compensation.

e. If required by the Scope of Work, Contractor shall maintain for the duration of this Agreement professional liability insurance covering personal injury and property damage arising from errors, omissions, or malpractice. Coverage shall be in the minimum amount of \$500,000. Contractor shall provide to Metro a certificate of this insurance, and 30 days' advance notice of material change or cancellation.

5. Indemnification. Contractor shall indemnify and hold Metro, its agents, employees and elected officials harmless from any and all claims, demands, damages, actions, losses and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Agreement, or with any patent infringement or copyright claims arising out of the use of Contractor's designs or other materials by Metro and for any claims or disputes involving subcontractors.

6. Maintenance of Records. Contractor shall maintain all of its records relating to the Scope of Work on a generally recognized accounting basis and allow Metro the opportunity to inspect and/or copy such records at a convenient place during normal business hours. All required records shall be maintained by Contractor for three years after Metro makes final payment and all other pending matters are closed.

7. Ownership of Documents. All documents of any nature including, but not limited to, reports, drawings, works of art and photographs, produced by Contractor pursuant to this Agreement are the property of Metro, and it is agreed by the parties that such documents are works made for hire. Contractor hereby conveys, transfers, and grants to Metro all rights of reproduction and the copyright to all such documents.

8. Project Information. Contractor shall share all project information and fully cooperate with Metro, informing Metro of all aspects of the project including actual or

potential problems or defects. Contractor shall abstain from releasing any information or project news without the prior and specific written approval of Metro.

9. Independent Contractor Status. Contractor shall be an independent contractor for all purposes and shall be entitled only to the compensation provided for in this Agreement. Under no circumstances shall Contractor be considered an employee of Metro. Contractor shall provide all tools or equipment necessary to carry out this Agreement, and shall exercise complete control in achieving the results specified in the Scope of Work. Contractor is solely responsible for its performance under this Agreement and the quality of its work; for obtaining and maintaining all licenses and certifications necessary to carry out this Agreement; for payment of any fees, taxes, royalties, or other expenses necessary to complete the work except as otherwise specified in the Scope of Work; and for meeting all other requirements of law in carrying out this Agreement. Contractor shall identify and certify tax status and identification number through execution of IRS form W-9 prior to submitting any request for payment to Metro.

10. Right to Withhold Payments. Metro shall have the right to withhold from payments due to Contractor such sums as necessary, in Metro's sole opinion, to protect Metro against any loss, damage, or claim which may result from Contractor's performance or failure to perform under this Agreement or the failure of Contractor to make proper payment to any suppliers or subcontractors.

11. State and Federal Law Constraints. Both parties shall comply with the public contracting provisions of ORS chapter 279, and the recycling provisions of ORS 279.545 - 279.650, to the extent those provisions apply to this Agreement. All such provisions required to be included in this Agreement are incorporated herein by reference. Contractor shall comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations-including those of the Americans with Disabilities Act.

12. Situs. The situs of this Agreement is Portland, Oregon. Any litigation over this agreement shall be governed by the laws of the state of Oregon and shall be conducted in the circuit court of the state of Oregon, for Multnomah County, or, if jurisdiction is proper, in the U.S. District Court for the District of Oregon.

13. Assignment. This Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstance, be assigned or transferred by either party.

14. Termination. This Agreement may be terminated by mutual consent of the parties. In addition, Metro may terminate this Agreement by giving Contractor five days prior written notice of intent to terminate, without waiving any claims or remedies it may have against Contractor. Termination shall not excuse payment for expenses properly

incurred prior to notice of termination, but neither party shall be liable for indirect or consequential damages arising from termination under this section.

15. No Waiver of Claims. The failure to enforce any provision of this Agreement shall not constitute a waiver by Metro of that or any other provision.

16. Modification. Notwithstanding any and all prior agreements or practices, this Agreement constitutes the entire Agreement between the parties, and may only be modified in a writing signed by both parties.

AGRA EARTH AND ENVIRONMENTAL INC.      METRO

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print name and title

\_\_\_\_\_  
Print name and title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

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Exhibit A  
**SCOPE OF WORK**

**PROJECT:** Collect compost samples, perform field maturity tests and keep records

**SUMMARY:** Contractor will collect samples twice yearly from certain processors of yard debris compost in Multnomah, Washington and Clackamas counties. Compost maturity will be determined via field assessment of designated parameters. Once compost maturity is determined, the sample will be sent to designated labs for testing. The labs will test the compost for the parameters listed in the Appendix and send test results to Contractor. Contractor will compare test results for both yearly samples to pre-established standards provided by Metro and forward results to Metro.

It is estimated that approximately 10 processors will participate in the program each year, a total of approximately 20 processors during this two-year contract.

At the end of each fiscal year, or about July 1, upon receiving a summary of test results from Contractor, Metro will issue a designation of Earth-Wise for that year (FY1995-96 or FY1996-97) to processors whose compost samples meet or exceed standards. The goal of the project is to increase market demand for yard debris compost and provide greater assurance that compost will not cause harm to human or environmental health.

**CONTRACTOR:** AGRA Earth and Environmental Inc.

**CONTRACT TERM:** This is a two-year contract. Term will begin on the last signature date on the contract and continue through June 30, 1997.

**Contractor's Responsibilities**

This is a two-year contract. Contractor will perform all of the tasks below during FY1995-96 and again during FY1996-97.

**Task 1: Collect first set of samples**

Within ten working days after this contract becomes effective, Contractor will develop a procedure for sampling to be approved by Metro. According to the timeline listed in Task 9: (1) Metro will provide to Contractor a list of processors who will participate in the Earth-Wise Compost program for that year and (2) Contractor will contact processors on the list provided by Metro to arrange to collect a 1-quart sample from each, using dedicated sampling equipment, supplied by Contractor and the Metro-approved sampling procedure. Contractor will verify appropriate types of sampling containers with Metro's designated labs, listed in the Appendix. Contractor will maintain records of sampling procedure, color of compost, odor, company name and contact person, weather, and feedstock for each sample on a standardized form.

## **Task 2: Maturity Assessment**

Contractor will perform assessment of compost maturity in the field for all samples using parameters provided by Metro. In order to reduce subjectivity of field assessment parameters (smell, color), Contractor will designate two staff people to perform these behaviors for *all* samples. The final number will be an average of the assessment made by the two staff people.

## **Task 3: Divide, package, label and send samples to labs**

Three labs, under contract to Metro, will test all of the samples. (Labs are listed in the Appendix.) Contractor will divide samples, package and send portions using laboratories' instructions for transport within 24 hours of sampling. Contractor will use a legal chain of custody to ensure the sample gets from processor to Contractor's offices to labs and a standardized label to affix to each sample to prevent mis-identification.

## **Task 4: Database**

According to the timeline listed under Task 9, Contractor will provide to Metro a database of test results for lab tests for samples collected to date. Contractor must allow the labs at least 15 working days to complete testing of the samples. Contractor will supply the database on diskette and hard copy and integrate all individual test results received from the labs in an easy-to-read format. Contractor will also provide copies of the completed sampling forms.

## **Task 5: Second Set of Samples**

According to the timeline listed under Task 9, Contractor will collect a second set of samples from the same processors as identified in Task 1. The test results from these samples are due to Metro according to the timeline in Task 9. Contractor must allow the labs at least 15 working days to complete testing of the samples. Contractor will use the same process for sampling, maturity assessment and shipment to labs as described in for the first set of samples in steps 1 through 3 above.

## **Task 6: Update Database and Review**

After receiving results back from the labs for both sets of samples, Contractor will evaluate lab test results against pre-established standards (standards are located in the Appendix). Contractor will forward to Metro by the dates listed in the timeline a database of *only* those results where *both* samples meet or exceed minimum standards. The database will be provided on diskette and hard copy. Contractor will also provide copies of the completed sampling forms for the second set of samples.

Those samples *not* meeting standards shall be maintained by Contractor and not forwarded to Metro on a regular basis, unless specifically requested in writing. Metro will be responsible for forwarding test results to the processors.

### Task 7: Additional Samples

Metro may request that additional samples be collected and/or additional respirometry tests be performed. Contractor will perform these tasks on a timeline mutually agreed upon by Contractor and Metro and at the same unit costs as designated under "Budget" in this contract.

### Task 8: Record Keeping, General Information

Contractor will respond to requests from Metro to collect samples and for general information. Contractor will maintain and have available for Metro review a bound sample log book of all information regarding this program.

### Task 9: Final Report

Proposer will write a brief summary and evaluation of the project that includes the following topics and submit it to Metro no later than June 30, 1996 for FY1995-96 and June 30, 1996 for FY1996-97. The log book will be included with the final report.

- Sampling procedure
- Field assessment of compost maturity
- Respirometry tests
- Database
- Packaging and sending samples to labs
- Working with labs
- Logistical problems and suggested solutions
- Suggestions for subsequent Earth-Wise Compost programs
- Other, as suggested by Contractor

### Timeline

| Task  | Due Date  |
|---|---|
| AGRA provides sampling procedure for approval   | Within 10 days of last signature on contract                                      |
| Metro provides to AGRA a list of companies who will participate in program  | For FY1995-96: Oct 15, 1995<br>For FY1996-97: Oct 15, 1996                        |
| AGRA collects first set of samples; conducts field assessment of maturity; divides, packages, labels and send samples to labs | For FY1995-96: Oct 15-30, 1995<br>For FY1996-97: Oct 15-30, 1996                  |
| Labs provide test results to AGRA, duplicate copy to Metro  | For FY1995-96: Dec 15, 1995<br>For FY1996-97: Dec 15, 1996                        |
| Database of test results due to Metro for first set of samples  | For FY1995-96: Dec 29, 1995<br>For FY1996-97: Dec 29, 1996                        |
| AGRA collect second set of samples; conducts field assessment of maturity; divides, packages, labels and send samples to labs | For FY1995-96: Between May 1 & 8, 1996.<br>For FY1996-97: Between May 1 & 8, 1997 |
| Labs provide test results to AGRA, duplicate copies to Metro  | For FY1995-96: June 7, 1996<br>For FY1996-97: June 7, 1997                        |
| Database of test results due to Metro for second set of samples   | For FY1995-96: June 15, 1996<br>For FY1996-97: June 15, 1997                      |

## Schedule for Reports

| Report  | Due Date  |
|---|---|
| AGRA provides procedure for sampling to Metro for approval.   | For FY1995-96: Within ten working days of the effective date of this contract |
| AGRA provides database of test results from the first set of samples for lab tests and completed sampling forms to Metro.   | For FY1995-96: Dec 29, 1995<br>For FY1996-97: Dec 29, 1996                    |
| AGRA provides to Metro the database of test results for second set of samples from lab tests, comparison of test results to standards and completed sampling forms. | For FY1995-96: June 15, 1996<br>For FY1996-97: June 15, 1997                  |
| AGRA provides to Metro the final report and log book to Metro.  | For FY1995-96: June 30, 1996<br>For FY1996-97: June 30, 1997                  |

This contract does *not* include the following tasks:

- Determine which compost processors will have their compost product sampled
- Maintain contact with yard debris processors beyond initial contact for sampling
- Establish lab testing procedures
- Pay for lab testing procedures
- Establish standards for comparison to lab test results
- Forward test results to compost processors

## BUDGET

Total contract payments will not exceed TWENTY THOUSAND TWO HUNDRED DOLLARS AND NO/100s (\$20,200.00).

Unit cost for all aspects of collection of one sample is \$508.00 per sample, including:

- Travel time to compost sites
- On-site sampling and characterization
- Field tests to determine maturity
- All handling and care of samples including sample division, packaging and shipping to labs
- Log book preparation
- Review and report writing and responding to requests for information

The value of log book preparation and report writing is \$247.00 per sample, and this portion of the per sample unit cost is payable only after: 1) with respect to the test results due on November 15 of 1995 and 1996, upon Metro's receipt of copies of Contractor's log books reflecting all appropriate activities; and 2) with respect to the test results due on June 15 of 1996 and 1997, upon Metro's receipt of the Final Report described above and Contractor's log books reflecting all appropriate activities.



## **TERMS OF PAYMENT**

Metro shall pay Contractor for services performed and materials delivered in the maximum sum of TWENTY THOUSAND TWO HUNDRED DOLLARS (\$20,200.00). This maximum sum includes all fees, costs and expenses of whatever nature. Each of Metro's payments to Contractor shall equal the percentage of the work Contractor accomplished during the billing period, except as noted above regarding a portion of the per sample unit cost. Contractor's billing statements will include an itemized statement of the work done and expenses incurred during the billing period, will not be submitted more frequently than once a month, and will be sent to Metro, Attention Solid Waste Department. Metro will pay Contractor within 30 days of receipt of an approved invoice.

1. Payment for invoiced Expenses is dependent upon Metro review and acceptance of the reports. All costs incurred by the Contractor shall be included in and not exceed \$10,000.00.
2. Metro shall process invoices for payment within thirty days of receipt.

Appendix A  
**SUMMARY OF LABS TESTING COMPOST SAMPLES  
 FOR METRO'S EARTH-WISE COMPOST PROGRAM**

| Tests   | Lab and location   | Contact Name and Phone                                     |
|---|--|--|
| <ul style="list-style-type: none"> <li>- Plant Nutrients</li> <li>- pH</li> <li>- Soluble salts</li> </ul>  | OSU Central Analytical<br>Lab Soil Testing<br>3179 AgLife Science Bldg.<br>Corvallis, OR 97331 | Dean Hanson<br>Extension Soils Specialist<br>(503)737-2187 |
| <ul style="list-style-type: none"> <li>- Effect of compost material on indicator seed (toxicity test)</li> <li>- Foreign Materials</li> <li>- Seed Germination</li> </ul> | OSU Seed Lab<br>Corvallis, OR 97331  | Roger Danielson<br>(503)737-4464                           |
| <ul style="list-style-type: none"> <li>- Presence of pentachlorophenol and/or chlordane</li> <li>- Presence of cadmium and/or lead</li> </ul>                             | ANTECH<br>Analysis/Technology Lab<br>501 NE Thompson Mill Rd.<br>Corbett, OR 97019             | Diana Tracy<br>President<br>(503)695-2135                  |

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## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 95-2179 FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION FROM COMPETITIVE BIDDING AND AUTHORIZING SOLE-SOURCE AND MULTI-YEAR CONTRACTS TO AGRA EARTH AND ENVIRONMENTAL, AND ANTECH ANALYSIS FOR SAMPLING AND TESTING OF YARD DEBRIS COMPOST

Date: July 18, 1995

Presented by: Mike Burton,  
Lauren Ettlin

### PROPOSED ACTION

Adopt Resolution No. 95-2179 to authorize entering into sole source and multi-year contracts for sampling and testing of yard debris compost as part of Metro's Earth-Wise Compost Program. The proposed contracts are attached as Exhibit A.

### FACTUAL BACKGROUND AND ANALYSIS

In January 1994, the Metro Council adopted Resolution No. 91-1889 which designated product standards for yard debris compost. Following adoption of this resolution, Metro developed a voluntary Earth-Wise Compost designation program. Through this program yard debris processors may apply to have their compost tested twice a year for pH level, heavy metals, pesticide residue, plant nutrients, foreign materials, salts and viable seeds. In 1995, nine yard debris processors had their products tested. Those who meet the standards will receive a certificate and be entitled to use the Earth-Wise Compost logo in their advertising.

In order to implement this program, Metro contracts with a company to collect samples from the participating processors, and with various laboratories to test the samples. Samples of compost are collected twice during a 12-month period and 13 tests are performed on each sample. Agra Earth and Environmental was selected as the contractor for collecting samples and conducting maturity tests on finished compost; Antech Analysis Technology is the laboratory that tests for heavy metals and pesticide residue. Both companies are currently under contract to Metro and have performed their tasks satisfactorily during the first year of the Earth-Wise Compost program.

### JUSTIFICATION FOR AUTHORIZING SOLE-SOURCE AND MULTI-YEAR CONTRACTS FOR SAMPLING AND TESTING OF COMPOST

1. It is critical to have consistency in sampling and testing techniques from year to year for comparable results, and to maintain the credibility of the Earth-Wise Compost program. Agra Earth and Environmental and Antech Analysis Technology can provide that consistency.

2. The integrity of the program is dependent on sampling and testing being performed by reputable firms. AGRA Earth and Environmental and Antech Analysis Technology are reputable firms who have performed successfully and are willing to continue their services within the limited budget.
3. Antech Analysis Technology is the only laboratory in the Metro region that tests for heavy metals and pesticides. They have worked with Metro since 1988 on testing yard debris compost. AGRA Earth and Environmental is the only company that responded to the original Request for Proposal for the sampling and respirometry work. This has been attributed to the small amount of funds available and to the specialized nature of the work.
4. Metro can realize cost savings in staff time by eliminating the writing and evaluation of Requests for Proposals for services already successfully provided by AGRA and Antech. The two-year contracts will also ensure that expenditures remain at current levels.
5. By authorizing a multi-year contract with AGRA and Antech, Metro can provide the consistency needed for this new program so that test results from the first three years of the Earth-Wise Compost program are comparable and consistent.

#### BUDGET IMPACT

The FY 1995-96 Solid Waste budget has appropriated \$22,500 for sampling and testing for the Earth-Wise Compost Program. These two contracts will spend \$15,600 of that appropriation. By approving the multi-year contracts, the Council will encumber an additional \$15,600 in the FY 1996-97 budget.

#### EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 95-2179.

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**AGENDA ITEM 7.1**  
**Meeting Date: July 27, 1995**

**Resolution No. 95-2181**

**Resolution No. 95-2181, For the Purpose of Accepting Nominees to the Metro  
Committee for Citizen Involvement (Metro CCI)**



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ACCEPTING ) RESOLUTION NO. 95-2181  
NOMINEES TO THE METRO COMMITTEE )  
FOR CITIZEN INVOLVEMENT (METRO CCI) ) Introduced by Councilor Susan McLain  
) Council Liaison to the Metro  
) Committee for Citizen Involvement

WHEREAS, The Metro Council adopted the Regional Urban Growth Goals and Objectives (RUGGOs) on September 26, 1991 by Ordinance 91-418B; and

WHEREAS, A partnership is described therein between Metro, citizens, cities, counties, special districts, school districts, and state and regional agencies to work together in this planning process; and

WHEREAS, Citizen Participation is included in the RUGGOs as the first objective under Goal 1, the Regional Planning Process; and

WHEREAS, Objective 1.1 states that Metro shall establish a Regional Citizen Involvement Coordinating Committee (RCICC) to assist with the development, implementation and evaluation of its citizen involvement program, and

WHEREAS, a committee was formed to draft, develop, solicit comments upon, and revise, a set of bylaws to establish the RCICC; and

WHEREAS, These bylaws identify the committee as the Metro Committee for Citizen Involvement (Metro CCI); and

WHEREAS, These bylaws have been adopted by the Metro Council by Resolution No. 92-1580A on May 28, 1992; and subsequently revised three times, most recently by Resolution 94-1986 on November 22, 1994; and

WHEREAS, The Metro Charter called for the creation of an Office of Citizen Involvement, and the establishment of a citizens committee therein; and

WHEREAS, The Metro Council created said Office and established the Metro CCI as the citizen committee within that Office, by adopting Ordinance No. 93-479A; and

WHEREAS, The Metro Council accepted the initial membership of the Metro CCI by Resolution No. 92-1666 on August 27, 1992 with subsequent rounds of applicants approved by Resolution No. 92-1702 on October 20, 1992; Resolution No. 92-1763 on February 25, 1993;

Resolution No. 93-1859 on October 15, 1993; Resolution No. 93-1882 on December 23, 1993;  
Resolution No. 94-1899 on February 24, 1994; Resolution No. 94-2048 on November 10, 1994;  
Resolution No. 95-2071 A on January 12, 1995, Resolution No. 95-2080 A on January 26, 1995;  
and

WHEREAS, This portion of the selection process for nomination to the Metro CCI has  
been initiated, resulting in the nominations of individuals indicated in Exhibit A; now, therefore,

BE IT RESOLVED,

That the Metro Council accepts the persons nominated for membership on the  
Metro Committee for Citizen Involvement (Metro CCI) identified in Exhibit A attached to this  
resolution.

ADOPTED BY THE METRO COUNCIL this \_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
J. Ruth McFarland, Presiding Officer



EXHIBIT A  
METRO COMMITTEE FOR CITIZEN INVOLVEMENT (METRO CCI)  
POSITION DESCRIPTIONS & NOMINEES TO FILL VACANT POSITIONS  
July 27, 1995

RESIDING WITHIN METRO COUNCIL DISTRICTS:

District 2

Resides within Metro Council district #2.  
Position 5 Term Expires: 12/95  
Chris Utterback  
15651 SE Misty Dr.  
Clackamas, OR 97015

District 5

Resides within Metro Council district #3.  
Position 13 Term Expires: 12/95  
Lisa M. Umscheid  
6301 N. Commercial Avenue  
Portland, OR 97217

CITIZEN INVOLVEMENT COMMITTEE REPRESENTATIVES

Multnomah County Committee for Citizen Involvement

Represents the Multnomah County Committee for Citizen Involvement.  
Position 26 Term Expires: 12/96  
Kay Durtschi  
2230 SW Caldew  
Portland, OR 97219



## Staff Report

### CONSIDERATION OF RESOLUTION NO. 95-2181, FOR THE PURPOSE OF ACCEPTING NOMINEES TO THE METRO COMMITTEE FOR CITIZEN INVOLVEMENT.

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Date: July 17, 1995

By: Judy Shioishi

#### Background

Three vacancies were created on the Metro Committee for Citizen Involvement over the past six months due to conflicting demands on member's time or moving from the area. A recruitment campaign was conducted. Nine applications were received for one opening in District 2. Seven applications were received for one opening in District 5. The third vacancy is in the position assigned as a representative from the Multnomah County Citizen Involvement Committee.

A selection committee meeting was held on July 5, 1995. Councilor Washington stopped in to thank the selection committee for their hard work. Additionally he relayed his confidence in the committee's choice and emphasized both his interest in the committee, and his acknowledgment of the importance of the committee.

Councilor Morissette was unable to attend, but sent his assistant, Rene Cannon. Others present included: the Committee Chair, Ric Buhler, Selection Committee members: Geoff Hyde, Debra Downey, Bill Merchant, and Bob Bothman, and Committee Analyst, Judy Shioishi. The committee deliberated for over an hour on the two vacancies. Respectfully submitted for Council approval are nominees: Chris Utterback for Position 5 in District 2, and Lisa M. Umscheid for Position 13 in District 5.

The nominee for the seat representing the Multnomah County Citizen Involvement Committee was selected by the committee's steering committee, acting on behalf of the full committee on July 13, 1995. They forwarded the name of Kay Durtschi to fill Position 26.



AGENDA ITEM 7.2  
Meeting Date: July 27, 1995

Resolution No. 95-2172

**Resolution No. 95-2172, For the Purpose of Authorizing an Exemption from the Competitive Bid Process and Authorizing Issuance of RFP # 95-R-17 for a Commercial Food Waste Composting Project Site and Processing Services.**



**SOLID WASTE COMMITTEE REPORT**

CONSIDERATION OF RESOLUTION NO. 95-2172, FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION FROM THE COMPETITIVE BID PROCESS AND AUTHORIZING ISSUANCE OF RFP#95R-17-SW FOR A COMMERCIAL FOOD WASTE COMPOSTING PROJECT-SITE AND PROCESSING SERVICES

-----  
Date: July 19, 1995

Presented by: Councilor McLain

**Committee Recommendation:** At the July 18 meeting, the Committee voted unanimously to recommend Council adoption of Resolution No. 95-2172. Voting in favor: Councilors Kvistad, McFarland and McLain.

**Committee Issues/Discussion:** Bern Shanks, Solid Waste Director, noted that the purpose of the resolution was to authorize the release of an RFP to procure a processing site and processing services for a demonstration project for the composting of source-separated organic food wastes.

Debbie Gorham, Waste Reduction and Planning Services Manager, reviewed the history of Metro's involvement with compost facilities. She noted that, following the failure of the Riedel compost facility, Metro had initiated a community-wide planning project to develop strategies for the future role of composting in the region's waste disposal system. This planning effort resulted in a recommendation that Metro examine the potential for compost processing of organic food wastes.

Bill Metzler, Associate Solid Waste Planner, explained that this resolution was part of a larger project. This project would involve the collection and hauling of about 1,000 tons of source-separated organic food wastes from restaurants and grocery stores to a selected site for composting. The intent of the project is to examine the economic and technical feasibility of establishing a collection and compost processing system for the estimated 200,000 tons of food wastes that are annually disposed of in the region. Staff estimates that 60-85% of this material could be source-separated.

The RFP proposed in the resolution would result in the procurement of a processing site and processing services for the project. Based on the location of the site, a subsequent resolution will be presented to procure collection and hauling services. It is anticipated that the project will be completed in late 1996 or early 1997. Metzler noted that affected local governments will be actively involved in the procurement process. Evaluation criteria will include cost, regulatory compliance and environmental impact.

Councilor McFarland noted that an RFP process allows for a wide variety of proposals to be received and considered, subject to certain evaluation criteria. She noted that the evaluation

criteria should also include an examination of the experience of the proposer. Metzler noted that experience is one of the evaluation criteria.

Councilor McLain noted that the RFP requests information on nuisance control safeguards that would be provided. She recalled the odor and other problems at the Riedel facility and encouraged staff to require specific and comprehensive types of requirements.



BEFORE THE METRO COUNCIL

|                                       |   |                            |
|---------------------------------------|---|----------------------------|
| FOR THE PURPOSE OF AUTHORIZING AN     | ) | RESOLUTION NO. 95-2172     |
| EXEMPTION FROM THE COMPETITIVE BID    | ) |                            |
| PROCESS AND AUTHORIZING ISSUANCE OF   | ) | Introduced by Mike Burton, |
| RFP # 95R-17-SW FOR A COMMERCIAL FOOD | ) | Executive Officer          |
| WASTE COMPOSTING PROJECT - SITE       | ) |                            |
| AND PROCESSING SERVICES.              | ) |                            |

WHEREAS, the Riedel Mass Composting Facility is no longer a part of the Metro solid waste management system; and

WHEREAS, Resolution No. 94-1915A directs staff to revise the Regional Solid Waste Management Plan and Metro Code to include new options for managing organic waste in the region;

WHEREAS, The Regional Solid Waste Management Plan, in continuing to recognize and support the state hierarchy (ORS 459.015) for managing solid waste, specifies landfilling as the least preferred option; and

WHEREAS, A public process composed of a series of workshops and a regional conference was conducted to examine new options for managing organic waste in the Metro region, whose participants included waste generators, waste haulers, waste processors, business leaders, government officials and other interested parties; and

WHEREAS, businesses may benefit from a potential cost savings if less expensive alternatives to landfilling organic waste can be developed; and

WHEREAS, key recommendations from the public workshops and organic waste management conference include conducting a food waste recovery project that focuses on recovering source separated organics from commercial food-related businesses; and

WHEREAS, It is in Metro's best interest to utilize a request for proposals rather than the competitive bid process for the reasons stated in Exhibit A; and

WHEREAS, Metro Code Section 2.04.041(c) and ORS 279.015(2) authorize the Metro Contract Review Board to exempt a public service contract from competitive bidding if it finds that the exemption will not encourage favoritism or substantially diminish competition for public contracts and that such an exemption will result in substantial savings; and

WHEREAS, Exhibit A to this resolution presents findings which satisfy the requirements for such an exemption; and

WHEREAS, The resolution was submitted to the Executive Officer for consideration and was forwarded to the Metro Council for approval; now therefore,

**BE IT RESOLVED,**

1. That the Metro Council adopts as findings the information and reasoning contained in Exhibit A, made part of this resolution by reference, and concludes that:

a) It is unlikely that exempting the project site and services RFP from the competitive bid process will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and

b) The exemption will result in substantial cost savings to Metro; and

Therefore, exempts the contract to be solicited through Request for Proposals No. 95R-17-SW from competitive bid requirements.

2. That the Metro Council authorizes issuance of RFP #95R-17-SW attached as Exhibit B.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
J. Ruth McFarland, Presiding Officer

Approved as to Form:

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

## EXHIBIT A

### FINDINGS FOR AN EXEMPTION FROM THE COMPETITIVE BID PROCESS FOR THE COMMERCIAL FOOD WASTE COMPOSTING PROJECT -- SITE AND PROCESSING SERVICES.

In order to utilize the proposal process to contract for a compost site and services for the commercial food waste recovery project, findings are presented below to satisfy the following exemption requirements:

- a) It is unlikely that such exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and
- b) The awarding of public contracts pursuant to the exemption will result in substantial cost savings to the public contracting agency. In making such finding, the director or board may consider the type, cost, amount of the contract, number of persons available to bid and such other factors as may be deemed appropriate.

#### Findings for exemption "a"

The approach will not encourage favoritism because it should increase the number of potential proposers. This is because the proposal process will allow greater flexibility in the arrangements proposers can make in providing a test project site and composting services to Metro, than would a bid. The award of the contract will be based on a competitive proposal process that uses a selection team and selection criteria.

There are a variety of ways food waste can be processed (e.g., aerated static pile composting, in-vessel composting, turned windrow composting, anaerobic digestion/methane recovery, vermicomposting), some of these methods can be combined to increase the efficiency and effectiveness of a processing method. In addition, there may be a number of ways in which each of the processing methods can be accomplished. Writing precise specifications would limit the number of approaches and would be counter productive. A proposal process should increase the number and quality of proposals received, thereby satisfying "a" above, because it allows for greater creativity and more approaches.

#### Findings for exemption "b"

The RFP process will provide Metro with choices that can result in substantial cost savings. Increasing competition should result in savings as proposers strive to cut their margins. The proposal process allows Metro to evaluate the proposals and proposers on the following, in addition to, the proposed price:

- The suitability and location of the proposed processing site,
- Past performance,
- Appropriateness and scale of the proposed processing method for this region,
- Process monitoring and quality control,
- Environmental controls, product quality, marketing and
- Per ton processing costs for a permanent facility.

This should increase the probability that the selected firm and approach satisfies Metro, the local government, and DEQ requirements. Much of the regions organic waste is currently being landfilled, it is anticipated that the results of the test project will provide new management options and incentives for managing the regions organic waste in a cost effective, environmentally sound, and publicly acceptable manner. For these reasons, a contract negotiated for the project will also satisfy the requirements of "b" above.



**EXHIBIT B**

**REQUEST FOR PROPOSALS  
for  
A Commercial Food Waste Composting Project**

**S I T E   A N D   P R O C E S S I N G   S E R V I C E S**

**RFP #95R- 17 -SW**

**Metro  
Solid Waste Department  
600 NE Grand Avenue  
Portland, OR 97232**

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- ATTACHMENT A -- Site Location Map
- ATTACHMENT B -- Site Plan Map
- ATTACHMENT C -- Pathogen Reduction
- ATTACHMENT D -- Product Quality Standards
- ATTACHMENT E -- Draft Operating Plan
- ATTACHMENT F -- Standard Public Contract

## REQUEST FOR PROPOSALS

for

### A Commercial Food Waste Composting Project -Site and Processing Services

#### I. INTRODUCTION

The Solid Waste Department of Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, located at 600 NE Grand Avenue, Portland, OR 97232-2736, is requesting proposals to provide a commercial food waste composting site and processing services as part of Metro's Commercial Organic Waste Recovery Project. Proposals will be due no later than 4:00 p.m., Wednesday, September 13, 1995, in Metro's business offices at 600 NE Grand Avenue, Portland, OR 97232-2736. Details concerning the project and proposal are contained in this document.

#### II. BACKGROUND/HISTORY OF PROJECT

Metro is a regional government which provides services to the metropolitan areas of Clackamas, Multnomah, and Washington counties of Oregon. One of the services Metro provides is the management of solid waste for the region.

The Metro region currently has an integrated waste management network in place. This network is a public and private partnership that begins with collection and moves through the processing, recycling, transfer, and disposal of different kinds of materials.

According to the 1993/94 Metro Waste Characterization Study, approximately 200,000 tons of food waste and 54,000 tons of non-recyclable paper were delivered to the region's disposal facilities during the year-long study period. There are currently no significant on-site or post-collection recovery programs in place to divert these materials from the landfill. At least some of these materials could be diverted and composted, thus bringing the region closer to its 50% recycling goal.

In 1993/94 Metro conducted a series of public workshops to help develop a regional organic waste management strategy. The participants targeted composting pre-segregated food wastes from the commercial sector as a viable part of the overall strategy. This approach is valuable because it not only diverts waste from the landfill but converts it to a useful end product. Metro will be testing this approach through the project described in this RFP.

### III. GENERAL PROJECT DESCRIPTION

#### Purpose

The purpose of the project is to test the collection and recovery of commercial organic waste (pre-consumer food waste and nonrecyclable paper) from food-related businesses as an alternative to the current practice of landfilling. The project objectives are to evaluate the economic, regulatory, and environmental feasibility of commercial organic waste recovery in the region.

#### Timeline

The project will begin in October 1995 and be completed in December 1996. It is expected that by February 1996, all permits will have been obtained, site improvements completed and processing operations in place and ready for waste delivery and processing.

#### Food Waste Collection

Metro will deliver (through separate contracts, not part of this RFP) preseggregated food wastes to the processing site on a regularly scheduled basis, at least once a week, for approximately eight (8) months. Metro will contract for the waste collection services after selecting a processor, and will be responsible for ensuring coordination between the hauling contract and the processing contract. Delivery schedules will be developed during negotiations with the hauling contractor and in consultation with the successful proposer to this RFP.

Food-related businesses (e.g. grocery stores and restaurants) will participate, providing the pre-consumer food waste and nonrecyclable paper for processing. Metro may require that the collected organic waste be transported to Metro Central Transfer Station for quality control inspections and reload before delivery to the processing site. This step will have a very short turnaround time to ensure prompt delivery of the preseggregated organics to the processing site.

#### Processing

Food wastes will be delivered to the processing site each week for eight (8) continuous months. Over the course of the waste delivery contract period, up to 1,000 tons of preseggregated food-related wastes will be delivered to the successful contractor for processing. Because odor control and pathogen reduction are predominant concerns, Metro believes that a likely processing technique may be the aerated static pile composting method that incorporates a biofilter (or other odor abatement system) to treat the air after it is pulled through the compost piles. Metro will consider alternative processing methods that are responsive to the requirements of this RFP.

A combination of methods may be the optimal processing approach. For example, the aerated static pile method for the first four weeks of composting and then switching to the turned windrow method. Metro intends to work closely with the processor to assist in obtaining all required permits.



#### IV. PROPOSED SCOPE OF WORK / PROPOSAL SUBMITTALS

Tasks 1 through 12 describe the proposed scope of work, including information to be submitted by the proposer. All items listed as "submittals" shall be included in the proposal as indicated in Section VIII (B) of this RFP.

##### TASK 1. PROVIDE A SUITABLE SITE FOR PROCESSING

The successful proposer will be responsible for: 1) providing a site that is appropriate and suitable for conducting this project, and 2) the design and construction of all site modifications necessary for conducting this project. The successful proposer will be responsible for submitting a site improvement plan, which must be reviewed and finalized with Metro prior to commencement of any work.

##### Submittals:

- A. Describe the existing site including location, size (acres and approximate dimensions), existing operations, access to electricity and water, type of existing land use permit, and adjacent land uses. The proposer must include documentation of site ownership or right to use and develop the site. In addition, the proposer must submit the requested information outlined in Attachment A - Site Location Map.
- B. State why you believe the site (with your firm as the operator) would be suitable for this project. Responses should address the following issues:
- accessibility
  - impact on neighbors
  - impact on the environment
  - compatibility with existing operations on site
  - ability to obtain permits
- C. Describe any major site modifications that would be necessary before food and other organics processing could take place on the site. Include consideration of both on-site and off-site factors such as new driveways to improve vehicle access to site, paving, or upgrading of major utilities (e.g. storm drains, electricity).

Provide a budget (itemized by labor and materials) and a schedule for the performance of the work needed to accomplish this task.

## **TASK 2. OBTAIN ALL NECESSARY PERMITS**

The successful proposer will be responsible for obtaining all necessary licenses, permits or other regulatory approval necessary to conduct this project. It is expected that at a minimum, the proposer has a conditional use permit (or equivalent) for conducting yard debris composting at the proposed processing site. Metro will assist in securing DEQ approval and local government land use permits, if needed, for accepting and processing the preseggregated organic wastes as part of this limited project.

### **Submittals:**

- A. Describe what permits/licenses you have; and other permits that will be needed to participate in this project (include existing/proposed land use permits).
- B. Provide an itemized budget and a schedule for the performance of the work needed to accomplish this task.

## **TASK 3. FINALIZE PLANS**

The successful proposer will be responsible for developing and finalizing all plans and schedules including, but not limited to: site and processing systems design and construction plans, operational plans, process monitoring plans, sampling plans, and other schedules that may be necessary for this project. All plans and schedules must be reviewed and finalized with Metro prior to starting work on this project.

**Submittal:** Provide a budget (itemized by labor and materials) and a schedule for the performance of the work needed to accomplish this task.

## **TASK 4. DESIGN AND CONSTRUCTION OF THE ORGANICS PROCESSING SYSTEM**

The successful proposer will be responsible for:

- The design and construction of a food waste composting system that is appropriate and suitable for conducting this project;
- Providing all processing equipment, material, and supplies; and
- Site management, labor and any other specialized services for site construction and system set up necessary for conducting this project.

The proposed system must:

1. Be efficient, reliable, and appropriate for the scale, purpose, and timeframe of this project;

2. Utilize a processing method that can be conducted in a manner that minimizes environmental and nuisance impacts;
3. Produce a final product that will have undergone a pathogen reduction process (see Attachment C); and
4. Produce a final product that will meet Metro product quality standards (to be finalized during negotiations with the successful proposer). See Attachment D for a preliminary list of parameters for which the product will be tested.

**Submittals:**

- A. The proposer must submit the requested information outlined in Attachment B - Site Plan Map.
- B. Describe your proposed processing system, all equipment required, and processing system construction and set-up necessary to conduct this project. As part of this submittal, include a description of the following:
  1. The specifications to which the windrows or other piles will be constructed (length, width, height), configuration, and how they will be constructed.
  2. The aeration system design. Include estimated pile aeration requirements.
  3. The biofilter design. Include design and operating criteria such as: filter media, filter loading, filter depth, detention time, oxygen content, moisture control, pH, pressure drop and other maintenance issues.
  4. A description of the compost equipment to be used at the facility including type, capacity, and number of units. Indicate if the equipment is owned or if it will be rented or purchased for this project.
  5. Delivery access, tipping/receiving, and mixing areas. Include a description of any proposed enclosures.
  6. Methods of handling leachate from both delivered feedstocks and generated from the composting process. Including how it will be collected, treated, reused or disposed.
  7. Methods that divert precipitation run-on around the composting area. Method to control the runoff from the facility resulting from precipitation.
- C. Provide a budget (itemized by labor and materials) and a schedule for the performance of the work needed to accomplish this task.

## TASK 5. CONDUCT ORGANIC WASTE PROCESSING

The successful proposer will be responsible for all site and operations management and staffing needed to conduct all aspects of the project necessary to process the organic wastes as described in this RFP.

- A. The processing method must produce a stable, cured, sanitized and marketable end product that will: 1) have undergone a pathogen reduction process (see Attachment C), and 2) will be subject to product quality standards (to be finalized during negotiations with the successful proposer). See Attachment D for a preliminary list of parameters for which the product will be tested.
- B. Provide a budget (itemized by labor and materials) and a schedule for the performance of the work needed to accomplish this task (include steps in Task 5C and D).
- C. The successful proposer will be required to submit a Final Operating Plan for approval by Metro (after execution of the contract), containing at a minimum, the information described in Attachment E- Final Operating Plan.
- D. The processing method must include the following steps:

(1) Preprocessing

The successful proposer will be responsible for preprocessing the delivered wastes. The proposer will be required to check the feedstocks (including the bulking agents) upon receipt to provide a basis for planning and controlling the process and for regulatory and contractual reporting. The data will provide an understanding of variations in the wastestream caused by seasonal changes and source separation program changes/modifications.

The data from the feedstock audits must include routine operating information such as:

- Quantity, source, and type of waste received;
- Quantity, type, and disposition of rejects sent for disposal; and
- Quantity, type, and disposition of compost and recyclables recovered.

**Submittal:** Describe how you will conduct the preprocessing.

(2) Feedstock and Bulking Agent Preparation, Mixing and Pile Formation

The successful proposer will be responsible for all feedstock and bulking agent procurement, delivery, preparation, mixing and pile formation. This includes physical processing and adding amendments (if needed) and mixing in the correct ratio of bulking agents.

**Submittals:** Describe what the proposed bulking agents will be, where they will come from, costs, and mix ratio to food waste. Describe how you will conduct, monitor and control the following:

- Size reduction
- Set C:N ratio
- Mixing
- Mix amendments
- Set moisture
- Monitor pH

**(3) Composting**

The successful proposer will be responsible for the composting of the feedstock mixes and biofiltration necessary to remove odors from active compost pile exhaust.

The intensity of the biological activity during this step requires close monitoring and process control to help ensure that the most rapid decomposition rate is being achieved, while at the same time controlling nuisance odors. Pathogen reduction will take place early in this step and particular attention is required to ensure temperature requirements are met, while at the same time, preventing the temperatures from becoming so high that they have a detrimental affect on the microbes.

**Submittal:** To help ensure the most effective operation during the composting stage, and as part of this step, describe how you will conduct, monitor and control the following:

- C:N ratio
- Aeration
- Turning/mixing
- Pathogen reduction
- Moisture
- Temperature
- Monitor pH
- Biofilter function/maintenance

**(4) Compost Stabilization**

The successful proposer will be responsible for ensuring proper compost stabilization.

**Submittal:** Describe your method for accomplishing this task and the length of time needed to create a stable compost. Discuss the following elements:

- Mix amendments
- Turning and mixing
- Control temperature
- Control moisture
- Monitor pH
- Control pathogens (control regrowth and prevent contamination of sanitized materials with unsanitized compost, air, water, or equipment)

(5) Compost Screening and Refining

The successful proposer will be responsible for all compost screening and refining necessary to remove oversized items and physical contaminants from the compost product in order to meet or exceed market requirements identified for the product.

**Submittal:** Describe how this will be accomplished.

(6) Compost Curing

The successful proposer will ensure that the compost is adequately cured. The product must be highly stable, free of organic phytotoxins, and have gone through a mineralization and humification process. The successful proposer will ensure that process controls and monitoring continue, as appropriate, during this stage.

**Submittal:** Describe how you will accomplish this step. This must include, but is not limited to, the following elements:

- Control moisture
- Monitor pH
- Maintain aerobic conditions
- Turn and mix
- Control pathogens (prevent regrowth of pathogens, prevent contamination of sanitized materials with unsanitized compost, water, air, or equipment).

(7) Compost Storage

During compost storage, the successful proposer will be responsible for maintaining the quality control exercised during the earlier steps.

**Submittal:** Describe how you will accomplish this step. Include the following elements:

- Control moisture
- Monitor pH
- Turn and mix
- Maintain aerobic conditions
- Control pathogens (prevent regrowth to above background levels, separate handling of sanitized and untreated materials)

## TASK 6. PROCESS MONITORING

The successful proposer will be responsible for developing a process monitoring schedule and conducting a process monitoring program. Process monitoring provides the means to assess composting conditions and determine the need for activities such as air flow adjustments, water addition, and pile turning. Note that Metro may independently perform (not part of this contract) a number of baseline feedstock tests and final product quality tests.

- A. Process Monitoring Program - The process monitoring program will entail the collection of field and laboratory data throughout the project.

**Submittal:** Proposers must provide a description of the process monitoring, laboratory and recordkeeping activities to be performed, including frequency, equipment to be used, and monitoring locations. Describe how the plan and schedule will address the following parameters:

- Temperature
- Oxygen concentration
- Bulk Density (lbs/CY)
- Leachate generation
- pH
- Aeration rate
- Odor Generation
- Nuisance pests

- B. Testing and Sampling Plan - The successful proposer will: 1) develop and implement a plan to define methods and procedures for sample testing, and 2) obtain and test representative samples, use data for process control, plan for contingencies, and document process flow.

The number, size, type, and frequency of samples taken will be determined by testing needs. Sampling will be more frequent during facility start-up as operating personnel learn how to control the process and to demonstrate successful compliance with operating, contractual, and regulatory requirements.

### Sampling Plan

The successful proposer will be required to submit for Metro review and approval, a sampling plan that describes the following:

- 1) Qualifications of persons performing sampling
- 2) Specific sampling locations
- 3) Sampling frequency
- 4) Random sampling protocol (if that approach is used)
- 5) Number of samples
- 6) Sampling equipment and supplies
- 7) Sampling procedure and documentation
- 8) Sample management

C. **Material Balance/Flow** - Process flow data from the facility must be collected and analyzed to:

- understand and control the composting process
- provide information for other purposes such as regulatory compliance and waste audits.

Process flow evaluation includes the basic information required to track the total material flow throughout the facility, often referred to as material balance. The successful proposer shall develop and use a series of data sheets and flow diagrams to track items such as:

- **Feedstocks processed** - Record the type, source, date, time, and weight of all acceptable waste delivered to the facility.
- **Unacceptable waste** - Record the amounts, types, and disposition of all wastes rejected as unacceptable by the facility.
- **Recyclable material recovery** - Record the amounts and disposition of recyclable materials by type.
- **Residue generation** - Record the amounts and disposition of residue generated, by process source (e.g. tip area, feedstock preparation, compost screening).
- **Compost production** - Record the amount and disposition of compost material produced from each major process unit (e.g. active composting, stabilization, curing, screening, storing).
- **Product storage** - Record increases and decreases in inventory of all products stored in the facility, by location and type of material (e.g. raw feedstocks/bulking agents, stabilized compost)

D. Provide a budget (itemized by labor and materials) and a schedule for the performance of the work needed to accomplish this task.

## **TASK 7. NUISANCE CONTROL**

The successful proposer shall ensure that the compost operation/facility operate in a manner that safeguards the public health, safety, and the environment.

### **Submittals:**

A. Describe how you will accomplish the following:

- Odor control
- Noise control
- Dust control
- Vector control
- Litter control



- B. Provide a budget (itemized by labor and materials) and a schedule for the performance of the work needed to accomplish this task.

#### **TASK 8. CONTINGENCY PLAN**

The successful proposer shall be required to submit, for review and approval by Metro, a Contingency Plan for handling emergencies and abnormal circumstances.

**Submittals:**

- A. Provide a summary of a draft contingency plan. It should include, but is not limited to, the following:
- Receipt of unacceptable waste
  - Public nuisances
  - Equipment breakdown
  - Contaminated product
  - Fire
- B. Provide a budget (itemized by labor and materials) and a schedule for the performance of the work needed to accomplish this task.

#### **TASK 9. RECORD KEEPING AND REPORTING REQUIREMENTS**

The successful proposer will be responsible for keeping accurate and legible records of all processing operations and process monitoring, including but not limited to, feedstock and bulking agent intake and receipt, preprocessing, processing, stabilization, curing, testing, and disposition of final product. All processing data shall be provided to Metro on a regularly scheduled basis. All record keeping and reporting procedures and forms will be approved by Metro prior to the commencement of any processing.

**Submittal:** Provide a budget (itemized by labor and materials) and a schedule for the performance of the work needed to accomplish this task.

#### **TASK 10. COMPOST PRODUCT END-USE PLAN**

The successful proposer will be responsible for all costs associated with selling, giving away or disposing of products produced by the composting process. The successful proposer will be entitled to all revenues from the sale of the finished product.

**Submittals:**

- A. Describe your plan for using or marketing the end product.

- B. Provide a budget (itemized by labor and materials) and a schedule for the performance of the work needed to accomplish this task.

#### TASK 11. PROCESSING SITE PROJECT CLOSURE

Upon completion of this project, the successful proposer will be responsible for all project site closure activities. The successful proposer will decommission the temporary composting facility. This includes cleanup, inventory and preparation of project equipment for storage, disassembly and shipping of temporary structures. All processing conducted under a contract that results from this RFP will cease, and all permits granted to conduct this limited project will expire.

Unless otherwise approved by Metro:

- All durable features (e.g. paving, liner, utilities) may be left intact and in place. Metro and all other involved parties shall relinquish all rights to these durable features to the successful proposer upon completion of facility closure.
- All portable equipment, purchased as part of this project (e.g. blowers, unburied pipe, windrow turners), remains the property of Metro and will be made available for disposition by Metro at completion of site closure.

#### Submittals:

- A. Provide a description of the site closure activities that you will perform upon completion of the project.
- B. Provide a budget (itemized by labor and materials) and a schedule for the performance of the work needed to accomplish this task.

#### TASK 12. RECOMMENDATIONS FOR IMPLEMENTATION

Upon completion of the project and based on the processors experiences with the project, the successful proposer shall submit to Metro a report with recommendations for permanent implementation of a small - to medium-scale food waste composting operation that should include (but is not limited to) the following:

- Recommended processing method(s)
- Scale-up recommendations
- Equipment
- Costs/Tip fee needed
- Feasibility
- Siting/Permits

Submittal: Provide a budget (itemized by labor and materials) and a schedule for the performance of the work needed to accomplish this task.

## V. SCHEDULE AND PAYMENT

Under the contract that results from this RFP, Metro will provide the successful proposer with an amount not to exceed \$125,000.

## VI. PROJECT ADMINISTRATION

Metro's project manager and contact for this project is Bill Metzler, in the Planning and Technical Services Division of Metro's Solid Waste Department.

Metro intends to award a contract to a single contractor who will assume responsibility for any/all subcontractor work, as well as the day-to-day direction and internal management of the project, unless otherwise specified in this RFP or otherwise agreed upon in the actual contract.

## VII. PROPOSAL INSTRUCTIONS

### A. Submission of Proposals

5 copies of the proposal shall be furnished to Metro, addressed to:

Bill Metzler  
Metro Solid Waste Department  
600 NE Grand Avenue  
Portland, OR 97232-2736

### B. Deadline

Proposals will not be considered if received after 4:00 p.m., Wednesday September 13, 1995.

### C. RFP as Basis for Proposals:

This Request for Proposals represents the most definitive statement Metro will make concerning the information upon which Proposals are to be based. Any verbal information which is not addressed in this RFP will not be considered by Metro in evaluating the Proposal. All questions relating to this RFP should be addressed to Bill Metzler at (503) 797-1666. Any questions, which in the opinion of Metro, warrant a written reply or RFP amendment will be furnished to all parties receiving this RFP. Metro will not respond to questions received after Friday, August 25, 1995.

### D. Information Release

All proposers are hereby advised that Metro may solicit and secure background information based upon the information, including references,

provided in response to this RFP. By submission of a proposal all proposers agree to such activity and release Metro from all claims arising from such activity.

E. Disadvantaged, Minority and Women-Owned Business Program

Metro and its contractors will not discriminate against any person or firm based on race, color, national origin, sex, sexual orientation, age, religion, physical handicap, political affiliation or marital status.

Metro extends equal opportunity to all persons and specifically encourages disadvantaged, minority, and women-owned businesses to access and participate in this and all Metro projects, programs, and services.

If any subcontracting is intended, Proposers are directed to Metro Code 2.04.100 and 2.04.200 governing utilization of minority and women-owned businesses.

Metro's Minority and Women-Owned Business Program is administered by the Contract Services Division. They may be reached at (503) 797-1717 during regular business hours should you have detailed questions about the program.

## VIII. PROPOSAL CONTENTS

The proposal should contain sufficient written material (excluding biographies and brochures, which may be included in an appendix), describing the ability of the consultant to perform the work requested in this RFP and as outlined below. The proposal should be submitted on recyclable, double-sided recycled paper (post consumer content). No waxed page dividers or non-recyclable materials should be included in the proposal.

- A. Cover Letter: A brief introduction of the organization and how/why it is best qualified to complete the tasks outlined. Indicate who will be the project manager, and that the proposal will be valid for ninety (90) days.
- B. Approach/Project Work Plan: Describe how the work will be done within the given timeframe and budget. Include a proposed work plan and schedule, which includes describing the methodology you will use to complete the scope of work. Include all information requested in Section IV - Proposed Scope of Work, of this RFP; all items listed as "submittals" must be included in this portion of the proposal.
- C. Staffing/Project Manager Designation: Identify specific personnel assigned to major project tasks, their roles in relation to the work required, percent of their time on the project, and special qualifications they may bring to the project. Include resumes of individuals proposed for this contract, if applicable.

Metro intends to award this contract to a single firm to provide the services required. Proposals must identify a single person as project manager to work with Metro. The consultant must assure responsibility for any subconsultant work and shall be responsible for the day-to-day direction and internal management of the consultant effort.

- D. **Experience:** List projects conducted or experience that you have had over the past five years which involved services similar to the services required here. If you are describing projects, include the name of the customer contact person, his/her title, role on the project, and telephone number for each project. Also, identify persons on the proposed project team who worked on each of the other projects listed, and their respective roles. If you are describing experience that you have had, identify the type and length of that experience, the key people involved, and the general outcome(s) of that experience.
- E. **Cost/Budget:** Present the proposed cost of the project and the proposed method of compensation. List hourly rates for personnel assigned to the project, total personnel expenditures, support services, and subconsultant fees (if any). Requested expenses should also be listed. These should include any modifications you will need to make to the processing site and any equipment you will need to buy or lease to fulfill the obligations of the project. Provide a budget (itemized by labor and materials) and a schedule for the performance of the work needed to accomplish the tasks described in Section IV - Proposed Scope of Work, of this RFP.
- F. **Exceptions and Comments:** To facilitate evaluation of proposals, all responding firms will adhere to the format outlined within this RFP. Firms wishing to take exception to, or comment on, any specified criteria within this RFP are encouraged to document their concerns in this part of their proposal. Exceptions or comments should be succinct, thorough, and organized.

#### IX. GENERAL PROPOSAL/CONTRACT CONDITIONS

- A. **Limitation and Award:** This RFP does not commit Metro to the award of a contract, nor to pay any costs incurred in the preparation and submission of proposals in anticipation of a contract. Metro reserves the right to waive minor irregularities, accept or reject any or all proposals received as the result of this request, negotiate with all qualified sources, or to cancel all or part of this RFP.
- B. **Billing Procedures:** Proposers are informed that the billing procedures of the selected firm are subject to the review and prior approval of Metro before reimbursement of services can occur. Contractor's invoices shall include an itemized statement of the work done during the billing period, and will not be

submitted more frequently than once a month. Metro shall pay Contractor within 30 days of receipt of an approved invoice.

- C. **Validity Period and Authority:** The proposal shall be considered valid for a period of at least ninety (90) days and shall contain a statement to that effect. The proposal shall contain the name, title, address, and telephone number of an individual or individuals with authority to bind any company contacted during the period in which Metro is evaluating the proposal.

## X. EVALUATION OF PROPOSALS

- A. **Evaluation Procedure:** Proposals received that conform to the proposal instructions will be evaluated. The evaluation will take place using the evaluation criteria identified in the following section. The evaluation process will result in Metro developing a short list of the firms who, in its opinion, are most qualified. Interviews with these firms may be requested prior to final selection of one firm.
- B. **Evaluation Criteria:** This section provides a description of the criteria which will be used in the evaluation of the proposals submitted to accomplish the work defined in the RFP.

**35% Suitability of Proposed Project Site.**

**25% Project Work Plan, Methodology/Approach**

1. Demonstration of understanding of the project objectives.
2. Reliability and availability of the processing method/system.
3. Overall soundness of the facility/processing system design and integration of separate elements of the facility (e.g. receiving, storage, processing, curing, biofilter or equivalent odor control method).
4. Market development

**25% Project Staffing Experience**

**15% Budget/Cost Proposal**

1. Reasonableness of capital and operating cost estimates.
2. Cost in relation to other proposals and the budget.

**XI. NOTICE TO ALL PROPOSERS -- STANDARD AGREEMENT**

The attached public contract (Attachment F) is a standard agreement approved for use by the Metro Office of General Counsel; it is included for your review prior to submitting a proposal.

Any changes in the standard agreement must be requested and resolved as part of the proposal process or as a condition attached to the proposal.

Consider the language carefully. Conditioned proposals may be considered nonresponsive. Subsequent requests for modification may not only be rejected, but interpreted as a request to modify and withdraw the original proposal.

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**LIST OF ATTACHMENTS**

- ATTACHMENT A -- Site Location Map**
- ATTACHMENT B -- Site Plan Map**
- ATTACHMENT C -- Pathogen Reduction**
- ATTACHMENT D -- Product Quality Standards**
- ATTACHMENT E -- Draft Operating Plan**
- ATTACHMENT F -- Standard Public Contract**



**ATTACHMENT A  
Site Location Map**

**Site Location Map**

All proposals must contain a site location map whose scale clearly shows the following information:

- a) The proposed project area and all adjacent property, extending at least 1/2 mile beyond the boundary of the site;
- b) The prevailing wind direction;
- c) All streams, rivers, ponds and wetlands;
- d) All main service corridors, transportation routes, and access roads to the proposed site;
- e) All residences and areas in which people congregate within 1/2 mile of the site boundaries;
- f) The types of land use for the properties immediately adjacent to the facility (i.e. residential, commercial, industrial, agricultural, etc.). This must include any zoning classifications of these properties and the location (and function) of all buildings within 1/2 mile of the site.

**ATTACHMENT B  
Site Plan Map**

**Site Plan Map**

The proposal must contain maps or plans showing the location of the proposed operations, on a scale no smaller than one inch equals 200 feet. Distinguish between existing elements and proposed elements that will be constructed as part of this project. The following information must be provided:

- a) A schematic drawing of the facility showing layout and general dimensions of all proposed processes to be utilized in the production of compost including, but not limited to, unloading, staging, storage, processing, windrow and curing areas;
- b) The location of all buildings and any other pertinent location data with respect to the operation of the proposed facility (i.e. utilities, water supply, fencing, access roads, paved areas, etc.);
- c) The drainage patterns of the proposed composting site and surrounding areas. At a minimum, the direction of both on-site and off-site drainage, as well as the location of any ditches, swales, berms, paving or structures that exist or will be constructed to control runoff and leachate generated by the operation.

## ATTACHMENT C Pathogen Reduction

A compost product that contains pathogens in amounts that exceed the maximum acceptable pathogen concentrations described below shall be designated for disposal or additional processing.

- The density of fecal coliform in the compost product shall be less than 1,000 Most Probable Number per gram of total solids (dry weight basis); or
- The density of Salmonella sp. bacteria in the compost shall be less than three (3) Most Probable Number per four (4) grams of total solids (dry weight basis).

### Composting Methods

#### Aerated Static Pile

If the operation uses an aerated static pile composting process, all active compost shall be covered with 5 to 12 inches of insulating material, and the active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

#### Windrow

If the operation uses a windrow composting process, active compost shall be maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 15 days or longer. During the period when the compost is maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.

#### Enclosed or Within-Vessel

If the operation uses an enclosed or within-vessel composting process, active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for a pathogen reduction period of 3 days.

#### Other Methods

Alternative processing methods must describe how they meet U.S. EPA 40 CFR Part 503 pathogen reduction requirements for Class A biosolids.

**ATTACHMENT D  
Product Quality Standards**

Feedstocks and the final mature compost produced from this project will be independently sampled and laboratory tested by a Metro consultant. The compost feedstocks and final products will be examined for the following quality and public health/environmental parameters:

- pH
- Conductivity
- C:N Ratio
- Plant Nutrients (TKN, P, NH<sub>4</sub>, NO<sub>3</sub>, K, Ca, Mg, and Fe)
- Particle size
- Water holding capacity
- Other (salt, sodium, chloride, nitrate, total soluble salts)
- Foreign Matter Content
- Weed Seed Viability
- Maturity (respiration rate and cress seed germination)
- Trace Metals (As, B, Cd, Cr, Cu, Pb, Hg, Mo, Ni, Se and Zn)
- Bulk density
- Pesticide residue
- Color, texture, and odor

The product quality standards will be finalized during negotiations with the successful proposer.

**ATTACHMENT E  
Final Operating Plan**

Based on negotiations between Metro and the Contractor, and within 10 working days of contract award, Contractor must submit a Final Operating Plan for approval by Metro, containing at a minimum, the following information:

1. A description of the composting process or processes
2. Delivery access and mixing area.
3. Methods for measuring incoming waste.
4. Methods to control traffic and to expedite unloading.
5. Management procedures that will be used in composting, which must include:
  - a) A description of bulking agent delivery and stockpile, and any treatment the wastes (both bulking agents and food waste feedstock) will receive prior to windrowing (e.g., chipping, shredding). Include food waste receipt, sorting, and quality control. Include how you will develop appropriate and uniform mix ratios. Indicate the maximum length of time required to process each weekly receipt of waste into windrows or other piles;
  - b) The specifications to which the windrows or other piles will be constructed (length, width, height), configuration, and how they will be constructed. Include pile aeration requirements/turning frequency;
  - c) A list of additives and/or procedures that will be used to adjust moisture, temperature, oxygen transfer, pH, and carbon to nitrogen ratio;
  - d) Describe how you will achieve pathogen reduction;
  - e) An estimate of the length of time necessary to complete the composting process;
  - f) A description of the compost process monitoring methods. Describe what will be monitored and the monitoring frequency.
6. A description of the compost equipment to be used at the facility including type, capacity, and number of units. Indicate if the equipment is owned or if it will be rented or purchased for this project.
7. A description of the proposed method for storing bulking agents and estimated quantities of bulking materials that will be required for this project.
8. Methods for removing, recovering and disposing of non-compostables.

9. Methods to minimize odors. Include:
- a) A description of the biofilter design or equivalent methods to control odor.
  - b) Specification of a readily-available supply of bulking agents, additives or odor control agents.
  - c) Procedures for avoiding delay in processing and managing feedstocks and bulking agents during all weather conditions.
  - d) Tipping/receiving area enclosure.
  - e) Procedures for receiving and recording odor complaints, investigating immediately in response to any odor complaints to determine the cause of odor emissions, and remedying promptly any odor problem at the facility.
  - f) Additional odor-minimizing measures, which may include the following:
    - Avoidance of anaerobic or low oxygen conditions in the composting material;
    - Use of mixing for favorable composting conditions;
    - Formation of windrow or other piles into a size and shape favorable to minimizing odors; and
    - Use of end-product compost as cover to act as a filter during early stages of composting.
10. Methods of handling leachate generated from the composting process. Including how it will be collected, treated, reused or disposed.
11. Methods that divert precipitation run-on around the composting area. Method to control the runoff from the facility resulting from precipitation.
12. Methods to control noise, vectors, and litter.
13. Methods to control dust emissions.

ATTACHMENT F

CONTRACT NO. \_\_\_\_\_

**SAMPLE PUBLIC CONTRACT**

THIS Contract is entered into between Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, whose address is 600 NE Grand Avenue, Portland, Oregon 97232, and \_\_\_\_\_, whose address is \_\_\_\_\_, hereinafter referred to as the "CONTRACTOR."

In exchange for the promises and other consideration set forth below, the parties agree as follows:

ARTICLE I  
SCOPE OF WORK

CONTRACTOR shall perform the work and/or deliver to METRO the goods described in Attachment A, the Scope of Work, which is incorporated herein by this reference. All services and goods shall be of good quality and, otherwise, in accordance with the Scope of Work.

ARTICLE II  
TERM OF CONTRACT

The term of this Contract shall be for the period commencing \_\_\_\_\_, through and including \_\_\_\_\_.

ARTICLE III  
CONTRACT SUM AND TERMS OF PAYMENT

METRO shall compensate the CONTRACTOR for work performed and/or goods supplied as described in the Scope of Work. METRO shall not be responsible for payment of any materials, expenses or costs other than those which are specifically included in the Scope of Work.

ARTICLE IV  
LIABILITY AND INDEMNITY

CONTRACTOR is an independent contractor and assumes full responsibility for the content of its work and performance of CONTRACTOR's labor, and assumes full responsibility for all liability for bodily injury or physical damage to person or property arising out of or related to this Contract, and shall indemnify, defend and hold harmless METRO, its agents and employees, from any and all claims, demands, damages, actions, losses, and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Contract. CONTRACTOR is solely responsible for paying CONTRACTOR's subcontractors and nothing contained herein shall create or be construed to create any contractual relationship between any subcontractor(s) and METRO.

ARTICLE V  
TERMINATION

METRO may terminate this Contract upon giving CONTRACTOR seven (7) days written notice. In the event of termination, CONTRACTOR shall be entitled to payment for work performed to the date of termination. METRO shall not be liable for indirect or consequential damages. Termination by METRO will not waive any claim or remedies it may have against CONTRACTOR.

ARTICLE VI  
INSURANCE

CONTRACTOR shall purchase and maintain at CONTRACTOR's expense, the following types of insurance covering the CONTRACTOR, its employees and agents.

A. Broad form comprehensive general liability insurance covering personal injury, property damage, and bodily injury with automatic coverage for premises and operation and product liability. The policy must be endorsed with contractual liability coverage.

B. Automobile bodily injury and property damage liability insurance.

Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an aggregate limit, the aggregate limit shall not be less than \$1,000,000. METRO, its elected officials, departments, employees, and agents shall be named as an ADDITIONAL INSURED. Notice of any material change or policy cancellation shall be provided to METRO thirty (30) days prior to the change.

This insurance as well as all workers' compensation coverage for compliance with ORS 656.017 must cover CONTRACTOR's operations under this Contract, whether such operations be by CONTRACTOR or by any subcontractor or anyone directly or indirectly employed by either of them.

CONTRACTOR shall provide METRO with a certificate of insurance complying with this article and naming METRO as an insured within fifteen (15) days of execution of this Contract or twenty-four (24) hours before services under this Contract commence, whichever date is earlier.

ARTICLE VII  
PUBLIC CONTRACTS

All applicable provisions of ORS chapters 187 and 279, and all other terms and conditions necessary to be inserted into public contracts in the State of Oregon, are hereby incorporated as if such provision were a part of this Agreement, including, but not limited to, ORS 279.310 to 279.320. Specifically, it is a condition of this contract that Contractor and all employers working under this Agreement are subject employers that will comply with ORS 656.017 as required by 1989 Oregon Laws, Chapter 684.

ARTICLE VIII  
ATTORNEY'S FEES

In the event of any litigation concerning this Contract, the prevailing party shall be entitled to reasonable attorney's fees and court costs, including fees and costs on appeal to any appellate courts.



ARTICLE IX  
QUALITY OF GOODS AND SERVICES

Unless otherwise specified, all materials shall be new and both workmanship and materials shall be of the highest quality. All workers and subcontractors shall be skilled in their trades.

CONTRACTOR guarantees all work against defects in material or workmanship for a period of one (1) year from the date of acceptance or final payment by METRO, whichever is later. All guarantees and warranties of goods furnished to CONTRACTOR or subcontractors by any manufacturer or supplier shall be deemed to run to the benefit of METRO.

ARTICLE X  
OWNERSHIP OF DOCUMENTS

All documents of any nature including, but not limited to, reports, drawings, works of art and photographs, produced by CONTRACTOR pursuant to this agreement are the property of METRO and it is agreed by the parties hereto that such documents are works made for hire. CONTRACTOR does hereby convey, transfer and grant to METRO all rights of reproduction and the copyright to all such documents.

ARTICLE XI  
SUBCONTRACTORS

CONTRACTOR shall contact METRO prior to negotiating any subcontracts and CONTRACTOR shall obtain approval from METRO before entering into any subcontracts for the performance of any of the services and/or supply of any of the goods covered by this Contract.

METRO reserves the right to reasonably reject any subcontractor or supplier and no increase in the CONTRACTOR's compensation shall result thereby. All subcontracts related to this Contract shall include the terms and conditions of this agreement. CONTRACTOR shall be fully responsible for all of its subcontractors as provided in Article IV.

ARTICLE XII  
RIGHT TO WITHHOLD PAYMENTS

METRO shall have the right to withhold from payments due CONTRACTOR such sums as necessary, in METRO's sole opinion, to protect METRO against any loss, damage or claim which may result from CONTRACTOR's performance or failure to perform under this agreement or the failure of CONTRACTOR to make proper payment to any suppliers or subcontractors.

If a liquidated damages provision is contained in the Scope of Work and if CONTRACTOR has, in METRO's opinion, violated that provision, METRO shall have the right to withhold from payments due CONTRACTOR such sums as shall satisfy that provision. All sums withheld by METRO under this Article shall become the property of METRO and CONTRACTOR shall have no right to such sums to the extent that CONTRACTOR has breached this Contract.

ARTICLE XIII  
SAFETY

If services of any nature are to be performed pursuant to this agreement, CONTRACTOR shall take all necessary precautions for the safety of employees and others in the vicinity of the services being performed and shall comply with all applicable provisions of federal, state and local safety laws and building codes, including the acquisition of any required permits.

ARTICLE XIV  
INTEGRATION OF CONTRACT DOCUMENTS

All of the provisions of any bidding documents including, but not limited to, the Advertisement for Bids, Request for Bids or Proposals, General and Special Instructions to Bidders, Proposal, Bid, Scope of Work, and Specifications which were utilized in conjunction with the bidding of this Contract are hereby expressly incorporated by reference. Otherwise, this Contract represents the entire and integrated agreement between METRO and CONTRACTOR and supersedes all prior negotiations, representations or agreements, either written or oral. This Contract may be amended only by written instrument signed by both METRO and CONTRACTOR. The law of the state of Oregon shall govern the construction and interpretation of this Contract.

ARTICLE XV  
ASSIGNMENT

CONTRACTOR shall not assign any rights or obligations under or arising from this Contract without prior written consent from METRO.

\_\_\_\_\_

METRO

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

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Print name and title

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## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 95-2172 FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION FROM THE COMPETITIVE BID PROCESS AND AUTHORIZING ISSUANCE OF RFP #95R-17-SW FOR A COMMERCIAL FOOD WASTE COMPOSTING PROJECT - SITE AND PROCESSING SERVICES.

Date: June 19, 1995

Presented by: Terry Petersen  
Bill Metzler

### PROPOSED ACTION

Adopt Resolution No. 95-2172 to permit the Executive Officer to issue a request for proposals for a site and processing services to conduct a commercial food waste composting project.

### FACTUAL BACKGROUND AND ANALYSIS

According to the 1993/94 Metro region Waste Characterization Study, approximately 200,000 tons of food waste and 54,000 tons of non-recyclable paper were delivered to the region's disposal facilities during the year-long study period. There are currently no significant on-site or post-collection recovery programs in place to divert these materials from the landfill. At least some of these materials could be diverted and composted, thus bringing the region closer to its 50% recycling goal.

In 1993/94 Metro conducted a series of public workshops to help develop the optimal approach for a regional organic waste management strategy. The participants targeted composting pre-segregated food wastes from the commercial sector as a viable part of the overall strategy. Metro is testing this approach through the project described in the RFP (see Exhibit A to the attached resolution).

The purpose of the attached RFP is to obtain the composting site and processing services of a firm to process organic waste on a continuous basis for 8 months. Once the processing site has been selected, collection services will be solicited for the pre-segregated food waste from businesses such as grocery stores and restaurants.

The overall purpose of the project is to test the collection and recovery of commercial organic waste from food-related businesses as an alternative to the current practice of landfilling. Cost savings may be realized if less expensive alternatives to landfilling organic waste can be developed. The project objectives are to evaluate the economic, regulatory, and environmental feasibility of commercial organic waste recovery in the region.

An important element of the waste collection component of this project is to work within an established community that is representative of a "town center" as identified in the Region 2040 growth concept. Source-separated food and non-recyclable paper waste will be collected from a range of businesses from within this urban community. The experiences of the participating business community, waste hauler(s), and local government will be valuable for evaluating the potential for implementing permanent programs in the region.

The project will concentrate on those components which depend on local conditions, and which have a critical influence on the potential outcome of a permanent program. Therefore, the primary focus will be on:

1. Identifying barriers and opportunities for pre-segregated organic waste at the generator level. In particular, how much suitable waste can be segregated and at what cost?
2. Determining the equipment needs and other practical considerations, including cost, associated with the collection of organics. Would new trucks be needed or can existing ones be modified to collect organics? Would the co-collection of organics and other waste be possible in the Metro region?
3. Identifying and demonstrating design features and operational procedures that control adverse environmental, health, and nuisance effects resulting from the storage, collection, delivery, and processing of food waste.
4. Identifying and assessing incentives needed for participation. This includes identifying and assessing the kinds of working relationships needed between generators, haulers, processors, local governments, Metro and the DEQ for implementation of an organics recovery program.

The information obtained from this project will help Metro, local governments, food businesses, and waste haulers determine how we can best work together to implement organic waste recovery programs that are cost effective, environmentally sound, and publicly acceptable.

#### TIMELINE

This is a multi-year project that will begin in the Fall of 1995 and is expected to be completed in late December 1996 or early January 1997:

#### JUSTIFICATION FOR USING RFP PROCESS

For the reasons contained in Exhibit B to the attached resolution, it is in Metro's best interest to utilize a proposal rather than bid process for this project. Utilizing a proposal process requires an exemption from the competitive bid process. Resolution No. 95-2172 provides the required exemption and authorizes issuance of the request for proposals.

#### BUDGET IMPACTS

This is a multi-year project. The FY 1995-96 and 1996-97 budget appropriations will be determined by the Metro Council. Currently \$125,000 has been budgeted for the site and processing services element of the project.

#### EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 95-2172.

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**AGENDA ITEM 7.3**  
**Meeting Date: July 27, 1995**

**Resolution No. 95-2182**

**Resolution No. 95-2182, For the Purpose of Appointing Claire Stock, Clarice White, and Frank Bird to Three Expiring Terms on the Metro Central Station Community Enhancement Committee.**



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPOINTING ) RESOLUTION NO. 95-2182  
CLAIRE STOCK, CLARICE WHITE, AND )  
FRANK BIRD TO THREE EXPIRING TERMS ) Introduced by Mike Burton  
ON THE METRO CENTRAL STATION ) Executive Officer  
COMMUNITY ENHANCEMENT COMMITTEE )

WHEREAS, The Metro Council adopted Ordinance No. 91-437 for the purpose of amending Chapter 5.06 of the Metro Code to provide for a Metro Central Station Community Enhancement Program and creating a Metro Central Station Community Enhancement Committee. The Metro Council adopted Resolution No. 92-1560 on February 27, 1992, for the purpose of appointing members to the Metro Central Station Community Enhancement Committee; and

WHEREAS, Three Committee members' terms of membership have expired, and

WHEREAS, The Executive Officer has authority to appoint members to the Committee for Council confirmation; and

WHEREAS, The Executive Officer solicited nominations for membership appointments from the eligible organizations; and

WHEREAS, The Executive Officer has reviewed the nominations and recommends the following individuals for appointment to the committee: Ms. Claire Stock, Forest Park Neighborhood Association; Ms. Clarice White, Friends of Cathedral Park Neighborhood Association, and Mr. Frank Bird, Northwest District Association and, now therefore,

BE IT RESOLVED,

1. THAT the Metro Council hereby confirms the appointments of Ms. Stock, Ms. White and Mr. Bird to the Metro Central Station Community Enhancement Committee.
2. THAT the Committee membership and terms of service for these individuals shall be for a two-year term from this date through July 1997.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
J. Ruth McFarland, Presiding Officer

KD:ay

S:\SHARE\DOWN\CENTRAL\SW952182.RES





ATTACHMENT A-1

1025

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1700 | FAX 503 797 1757



METRO

APPOINTMENT INTEREST FORM

Special Interests, If Any Preference:

..... METRO CENTRAL ENHANCEMENT COMMITTEE

METRO OFFICE COMMENTS:

NAME: Claire Stock DATE: 5/17/95

HOME ADDRESS: 14025 NW Germantown Rd Portland OR 97231  
Street City State Zip

BUSINESS ADDRESS: \_\_\_\_\_  
Street City State Zip

HOME PHONE: 286-8187 BUSINESS PHONE: \_\_\_\_\_

~~SOCIETY SECURITY NO.~~ METRO DISTRICT NO.: 05  
(i.e., the district that you live in)

THE FOLLOWING INFORMATION IS VOLUNTARY:

SEX: F ETHNIC ORIGIN: Caucasian

(METRO STRIVES FOR ETHNIC AND MINORITY BALANCE, AS WELL AS GEOGRAPHIC REPRESENTATION, IN ITS MEMBERSHIP COMPOSITION.)

| SCHOOL (INCLUDE HIGH SCHOOL)     | LOCATION                | MAJOR OR DEGREE             |
|----------------------------------|-------------------------|-----------------------------|
| <u>Rodwood HS</u>                | <u>Corte Madera, CA</u> |                             |
| <u>U.C. Berkeley</u>             | <u>Berkeley, CA</u>     | <u>BA Psych</u>             |
| <u>St Mary's College</u>         | <u>Moraga, CA</u>       | <u>Teacher's Credential</u> |
| <u>L.H. Bates Technical Voc.</u> | <u>Tacoma, WA</u>       | <u>1st Class FCC Lic.</u>   |

127134

LIST MAJOR EMPLOYMENT AND/OR VOLUNTEER ACTIVITIES, BEGINNING WITH MOST RECENT (INCLUDE ALL EXPERIENCES YOU BELIEVE TO BE RELEVANT)

| DATE (TO/FROM) | EMPLOYER/ORGANIZATION                               | POSITION                  |
|----------------|---|---------------------------|
| 1991-93        | Portland Cable Access                               | Access Technician         |
| 1980-1990      | KOIN-TV   | Production Tech.          |
| 1994-95        | IICS- International Interactive Communications Soc. | Membership Chair          |
|                | Northwest Filmm Video Center                        | Video Artist in Residency |

EXPERIENCE, SKILLS, OR QUALIFICATIONS YOU FEEL WOULD CONTRIBUTE TO A PUBLIC SERVICE APPOINTMENT:

I have worked as a volunteer for a number of agencies here in town including The Portland-Corinto Sister City Association, Portland Cable Access and International Interactive Communications Society (Multi-media). I have a strong interest in community, cultural and the arts and have the experience of working with diverse people and groups.

OUTLINE YOUR REASONS AND INTERESTS IN APPLYING FOR AN APPOINTMENT:

I wish to take an active role within the community by participating in the decision making process of the Metro Enhancement Committee. I would like to have the opportunity to work with other individuals for such a positive and nurturing cause.

9/23/95  
Date

Cherie J. Stock  
Applicant's Signature

PLEASE ATTACH A SEPARATE SHEET/RESUME IF YOU SO DESIRE

ATTACHMENT A-2

400 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2716  
TEL 503 237 1248 | FAX 503 247 1247



METRO

APPOINTMENT INTEREST FORM

Special Interests, If Any Preferences:

..... METRO CENTRAL ENHANCEMENT COMMITTEE

METRO OFFICE COMMENTS:

NAME: CLARICE M. White

DATE: JUNE 23, 1995

HOME ADDRESS: 7400 N. Willamette Blvd Portland OR 97203  
Street City State Zip

BUSINESS ADDRESS: \_\_\_\_\_  
Street City State Zip

HOME PHONE: \_\_\_\_\_

BUSINESS PHONE: \_\_\_\_\_

SOCIAL SECURITY No. 536-52-1063

METRO DISTRICT No. 5  
(i.e., the district that you live in)

THE FOLLOWING INFORMATION IS VOLUNTARY:

SEX: F

ETHNIC ORIGIN \_\_\_\_\_

(METRO STRIVES FOR ETHNIC AND MINORITY BALANCE, AS WELL AS GEOGRAPHIC REPRESENTATION, IN ITS MEMBERSHIP COMPOSITION.)

SCHOOL (INCLUDES HIGH SCHOOL)

LOCATION

MAJOR OR DEGREE

129 136

LIST MAJOR EMPLOYMENT AND/OR VOLUNTEER ACTIVITIES, BEGINNING WITH MOST RECENT (INCLUDE ALL EXPERIENCES YOU BELIEVE TO BE RELEVANT)

| DATE (TO/FROM) | EMPLOYER/ORGANIZATION   | POSITION    |
|----------------|-------------------------|-------------|
| 1993- present  | Portland Public Schools | SUB-TEACHER |
|                |                         |             |
|                |                         |             |
|                |                         |             |

EXPERIENCE, SKILLS, OR QUALIFICATIONS YOU FEEL WOULD CONTRIBUTE TO A PUBLIC SERVICE APPOINTMENT:

CO-CHAIR Blue Heron Music Festival  
 CHAIR Cathedral Park - ST. JOHNS NA  
 TRAFFIC Committee  
 CHAIR of Retain North Precinct  
 BES Committee for ST. JOHNS Water Treatment Lab  
 Ballot Measure 2626 advocate + volunteer

OUTLINE YOUR REASONS AND INTERESTS IN APPLYING FOR AN APPOINTMENT:

Appointed by Cathedral Park NA to MCFC  
 as a vacancy created when Ted Whites  
 (CLARICE'S HUSBAND) term ended.

June 23, 1995  
Date

Clarice White  
Applicant's Signature

PLEASE ATTACH A SEPARATE SHEET/RESUME IF YOU SO DESIRE

ATTACHMENT A-3

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1700 | FAX 503 797 1757



METRO

APPOINTMENT INTEREST FORM

Special Interests, If Any Preference:

..... METRO CENTRAL ENHANCEMENT COMMITTEE

METRO OFFICE COMMENTS:

NAME: Frank Bina DATE: 6/19/95

HOME ADDRESS: P.O. Box 10443 Portland OR 97210

BUSINESS ADDRESS: " " " " " " "

HOME PHONE: 223.3837 BUSINESS PHONE: \_\_\_\_\_

SOCIAL SECURITY No. 41.46.8447 METRO DISTRICT No.: \_\_\_\_\_  
(i.e., the district that you live in)

THE FOLLOWING INFORMATION IS VOLUNTARY:

SEX: M ETHNIC ORIGIN: No. Euro Mix

(METRO STRIVES FOR ETHNIC AND MINORITY BALANCE, AS WELL AS GEOGRAPHIC REPRESENTATION, IN ITS MEMBERSHIP COMPOSITION.)

| SCHOOL (INCLUDE HIGH SCHOOL) | LOCATION    | MAJOR OR DEGREE                |
|------------------------------|-------------|--------------------------------|
| Lincoln H.S.                 | Portland    | Pre-College Stud               |
| U. of O.                     | Eugene      | Economics                      |
| Marylhurst College           | Lake Oswego | Various Master's level courses |
| Portland State Univ.         | Portland    | Bus. Admin.                    |

131 138

LIST MAJOR EMPLOYMENT AND/OR VOLUNTEER ACTIVITIES, BEGINNING WITH MOST RECENT (INCLUDE ALL EXPERIENCES YOU BELIEVE TO BE RELEVANT)

| DATE (TO/FROM) | EMPLOYER/ORGANIZATION | POSITION         |
|----------------|-----------------------|------------------|
|                | 2nd VP NWTA Board     | (2 yrs on board) |

President of Frank W. Bind, Inc.

Officer, Private Property Management Services.

Officer, Rigging & Specialized Transport Services.

25 years in the specialized transportation industry. GM/business unit responsibility for \$30 million.

EXPERIENCE, SKILLS, OR QUALIFICATIONS YOU FEEL WOULD CONTRIBUTE TO A PUBLIC SERVICE APPOINTMENT:

Project Management

Strategic Planning

Cost / Benefit Ratio Analysis Expertise.

Successful private sector / Union negotiator.

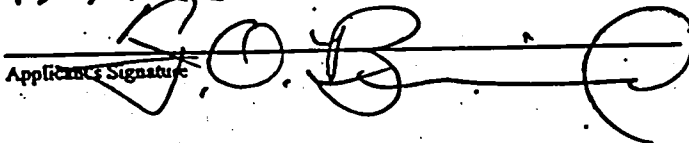
OUTLINE YOUR REASONS AND INTERESTS IN APPLYING FOR AN APPOINTMENT:

I believe that my professional background and experiences coupled with my intense involvement in the NWTA gives me the tools necessary to make a significant contribution to both ~~the~~ city + Metro planning and enhancement issues.

6/20/95

Date

Applicant's Signature



PLEASE ATTACH A SEPARATE SHEET/RESUME IF YOU SO DESIRE

STAFF REPORT

RESOLUTION NO. 95-2182 FOR THE PURPOSE OF APPOINTING  
CLAIRE STOCK, CLARICE WHITE, AND FRANK BIRD TO THE METRO  
CENTRAL STATION COMMUNITY ENHANCEMENT COMMITTEE

Date: July 10, 1995

Presented by: Katie Dowdall,  
Community Enhancement Coordinator

The Metro Council adopted Ordinance No. 91-437 for the purpose of amending Chapter 5.06 of the Metro Code to provide for a Metro Central Station Community Enhancement Program and creating a Metro Central Station Community Enhancement Committee. The Metro Council on February 27, 1992, adopted Resolution No. 92-1560 for the purpose of appointing members to the Metro Central Station Community Enhancement Committee. The seven-member committee will be comprised of the Metro Councilor from District #5 Councilor Ed Washington, and one member from each of the following neighborhood associations: Forest Park, Friends of Cathedral Park, Linnton, Northwest District and Northwest Industrial, and one member representing the environmental organizations that have or will have interest in the enhancement area.

Ted White, Friends of Cathedral Park Neighborhood Association, and Leslie Blaize, Forest Park Neighborhood Association, drew an initial one-year term and were reappointed for an additional two-year term. Torrence Royer, Northwest District Association, was appointed for a two-year term. These three members' terms of service on the committee expire June 1995. The Executive Officer solicited nominations from each of these neighborhood associations. Letters were sent requesting each organization to identify and submit names of up to three individuals from which one would be selected by the Executive Officer to serve on the Committee.

One nomination was received from each of the three neighborhood associations. All nominations met the criteria set in Ordinance No. 91-437. The Executive Officer has reviewed the nominations and recommends the appointment of:

Ms. Claire Stock, Forest Park Neighborhood Association  
Ms. Clark White, Friends of Cathedral Park Neighborhood Association  
Mr. Frank Bird, Northwest District Association

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 95-2182 confirming the nomination of Claire Stock, Clark White, Frank Bird to the Metro Central Station Community Enhancement Committee.

KD:ay

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140

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AGENDA ITEM 7.4  
Meeting Date: July 27, 1995

Resolution No. 95-2174A

**Resolution No. 95-2174A, Adopting Public Involvement Policies for Regional  
Transportation Planning and for Local Jurisdictions Submitting Projects to  
Metro for RTP and MTIP Consideration**

136 143

TRANSPORTATION PLANNING COMMITTEE REPORT

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RESOLUTION NO. 95-2174A, ADOPTING PUBLIC INVOLVEMENT POLICIES FOR REGIONAL TRANSPORTATION PLANNING AND FOR LOCAL JURISDICTIONS SUBMITTING PROJECTS TO METRO FOR RTP AND MTIP CONSIDERATION

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Date: July 19, 1995

Presented by: Councilor Washington

**COMMITTEE RECOMMENDATION:** At its July 18, 1995 meeting the Transportation Planning Committee voted 3-0 to recommend Council adoption of Resolution No. 95-2174A. All committee members were present and voted in favor.

**COMMITTEE DISCUSSION/ISSUES:** Transportation Planning Manager Mike Hoglund presented the staff report. He said the process for developing public involvement procedures for Transportation Planning has been ongoing for 18 months, and Councilors have previously been briefed on its progress. He said these procedures accomplish two things: they comply with federal regulations; and provide a blueprint for public involvement processes. He noted that there are separate procedures for Metro and for local jurisdictions, with Metro's procedures being more stringent.

Chair Monroe pointed out that this resolution has been approved by TPAC and JPACT. In response to a question from Council Analyst Casey Short, Mr. Hoglund acknowledged that a new clause is being recommended in Exhibit C, dealing with air quality conformity as required by state law. This clause is included as point #4 in the 7/13/95 version of Exhibit C, and was not included in the material in the agenda packet. Mr. Hoglund said this was the only change from the original materials, and is the only amendment being requested to the resolution.

Chair Monroe opened a public hearing, and no one testified.

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BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING ) RESOLUTION NO. 95-2174A  
PUBLIC INVOLVEMENT POLICIES FOR )  
REGIONAL TRANSPORTATION PLANNING) Introduced by  
AND FOR LOCAL JURISDICTIONS )  
SUBMITTING PROJECTS TO METRO FOR) Rod Monroe, Chair  
RTP AND MTIP CONSIDERATION ) JPACT

WHEREAS, The federal Intermodal Surface Transportation and Efficiency Act of 1991 (ISTEA) requires urban areas, through a Metropolitan Planning Organization (MPO), to develop and implement a continuing, cooperative and comprehensive transportation planning process that includes a public involvement process which is incorporated into the overall transportation planning process; and

WHEREAS, The Metro Committee for Citizen Involvement (MCCI) and the Transportation Policy Alternatives Committee (TPAC) formed the Metro Public Involvement Subcommittee, a working group of their members and Metro staff, to develop a public involvement policy for transportation planning; and

WHEREAS, Metro supports the goals of providing complete information, timely public notice, full access to key decisions, and early and continuing involvement of the public in the development and review of Metro's transportation plans, programs, and projects; and

WHEREAS, Metro involved the public and its regional partners in the process of developing and reviewing draft public involvement policies by noticing the availability of the draft policies through mailings and handouts at the widely advertised Transportation Fair in January of 1995 and four widely advertised public meetings held throughout the region in April, and provided for a

45-day public review and comment period; now, therefore,

BE IT RESOLVED:

1. That the Public Involvement Policy for Transportation Planning (Exhibit A) be incorporated into Metro's overall regional transportation planning process.

2. That the Local Public Involvement Policy (Exhibit B) be established for local jurisdictions submitting transportation projects to Metro for regional funding or other action.

3. That amendments identified in the Comment Summary and Response (Exhibit C) be incorporated into the policies as appropriate.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

J. Ruth McFarland, Presiding Officer

95-2174A.RES  
PP:lmk  
7-19-95

440147

# Transportation Planning

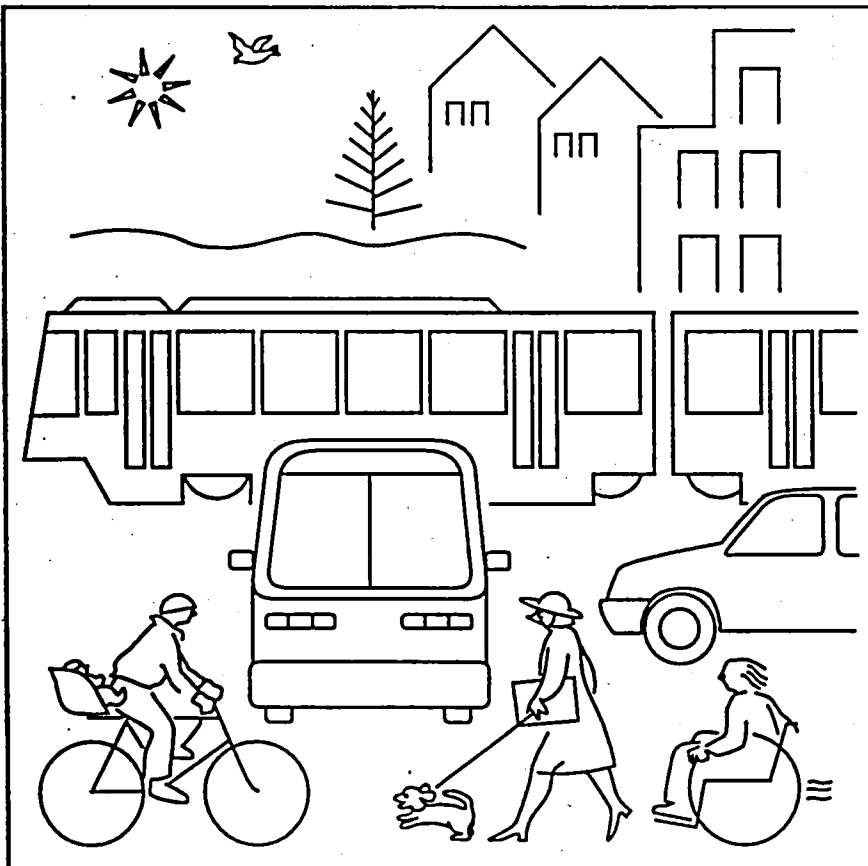


METRO

# Public Involvement Policy

May 1995

# DRAFT



**Executive Officer**

Mike Burton

**Auditor**

Alexis Dow

**Councilors by District**

**District 1**

Ruth McFarland

**District 2**

Don Morissette

**District 3**

Jon Kvistad

**District 4**

Susan McLain

**District 5**

Ed Washington

**District 6**

Rod Monroe

**District 7**

Patricia McCaig

**Metro Staff**

Andy Cotugno

Planning Department Director

Richard Brandman

Assistant Planning Department

Director

Mike Hoglund

Transportation Planning Manager

Gina Whitehill-Baziuk

Public Involvement Planning

Supervisor

Allison Dobbins

Associate Transportation Planner

Pamela Peck

Associate Public Involvement

Planner

Designed and produced

by the Graphic Design Services

Division

**About Metro**

Metro is the directly elected regional government that serves more than 1.2 million residents in Clackamas, Multnomah and Washington counties and the 24 cities in the Portland metropolitan area.

Metro is responsible for growth management, transportation and land-use planning; solid waste management; operation of the Metro Washington Park Zoo; regional parks and greenspaces programs; and technical services to local governments. Through the Metropolitan Exposition-Recreation Commission, Metro manages the Oregon Convention Center, Civic Stadium, the Portland Center for the Performing Arts and the Expo Center.

Metro is governed by an executive officer and a seven-member council. The executive officer is elected regionwide; councilors are elected by district.

For more information about Metro or to schedule a speaker for a community group, call 797-1510.



**Transportation Planning**

**Public  
Involvement  
Policy**

# Executive Summary

## Public Involvement in Transportation Planning and Funding

Metro's public involvement policy for regional transportation planning and funding activities is intended to support and encourage broad-based public participation in development and review of Metro's transportation plans, programs, and projects. The policy was developed in response to citizen interest and recent state and federal mandates.

The public involvement policy details public participation procedures and guidelines that Metro is expected to follow. These procedures ensure that public involvement efforts are proactive and provide for active participation by the region's citizens and interest groups in the development of regional transportation plans, programs and major projects.

The policy is intended to focus on Metro's major actions and decisions. Examples of Metro activities covered by these procedures include the Regional Transportation Plan and the Metropolitan Transportation Improvement Program. If a proposed action or decision is clearly a normal course-of-business activity that does not significantly affect the public or alter public policy, it may not be necessary to apply these procedures.

A detailed public involvement work plan consistent with Metro's public involvement goals and objectives will be developed for each plan, program or project. These specific work plans will specify the opportunities for public involvement, key decision points, and what measures will be used to seek out and consider the participation of groups that have been historically underserved by the transportation system, such as low income, minority and senior citizens.

### Public Involvement Goals

- Provide complete information
- Provide timely public notice
- Provide full public access to key decisions
- Support broad-based, early and continuing involvement of the public

## **Policy Objectives**

1. Establish a general public involvement plan and clear timeline of decision points early in the transportation planning and funding process.
2. Involve those traditionally underserved by the existing system and consider their transportation needs. The traditionally underserved population includes, but is not limited to, minority and low income households. Persons who are unable to own and/or operate a private automobile, such as youth, the elderly and the disabled, may also be included in this category.
3. Remove barriers to public participation by those traditionally under-represented in the transportation planning process.
4. Provide information on regional transportation planning and funding activities in a timely manner to interested parties.
5. Periodically review and update the public involvement process to reflect feedback from participants.
6. Provide opportunities for the public to supply input. Create a record of public comment received and agency response regarding draft transportation plans and programs at the regional level.
7. Provide additional opportunities for public comment if there are significant differences between the draft and final plans.
8. Provide updated summaries of public comment at key decision points.
9. Allow for local governing body input and recommendations into the regional transportation planning process.
10. Ensure that development of local transportation plans and programs was conducted according to Metro guidelines for local public involvement.

## **Public Involvement Guidelines**

A set of public involvement guidelines have been developed to ensure the policy objectives are met. The guidelines are detailed in Section 3 of this document. The public involvement activities and other opportunities described in each public involvement plan should be consistent with the guidelines established by Metro's policy. The guidelines are more specific for certain types of long-term plans and programs.

### **Public Involvement At The Local Level**

Local public involvement procedures and guidelines have also been developed to ensure that there is adequate public participation at the local level for local transportation plans and programs from which projects are drawn and submitted to Metro for federal funding. These local procedures are detailed in a companion piece, Local Public Involvement Policy.

### **Compliance and Dispute Resolution**

The Public Involvement Procedures establish minimum standards for public involvement opportunities that agencies producing transportation plans and programs (and in Metro's case, projects) are expected to follow. However, failure to exactly comply with the procedures contained in the policy shall not, in and of itself, render any decisions or actions invalid.

The dispute resolution process will focus on determining the degree of compliance with the guidelines contained in this policy and the extent to which the agency's actions met the intent of the policy by achieving the goals and objectives of the public involvement procedures. If the spirit of the guidelines contained in this policy have not been met, Metro may be required to conduct additional public involvement activities to ensure there has been adequate public review.

### **Effective Date of Policy**

This policy will become effective when it is adopted into the Regional Transportation Plan. From that point forward, conformance will be required for public involvement activities pertaining to Metro's transportation plans, programs and project development activities. Metro will periodically, or at least every three years, review and evaluate this public involvement policy. Amendments to the policy will require a 45-day public comment period prior to adoption.

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## Section 3 Public Involvement Procedures

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- B. Objectives
- C. Structure/Work Program
- D. Guidelines

## Section 4 Relationship to Local Public Involvement Policy

## Section 5 Compliance

- A. How the Policy Will Be Applied
- B. Dispute Resolution
- C. Effective Date of Policy
- D. Amendments to Policy

## List of Appendices

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- Appendix B Glossary of Terms and Acronyms
- Appendix C Interested and Affected Parties (examples)
- Appendix D Notification Methods/Strategies (examples)
- Appendix E Opportunities for Public Involvement (examples)
- Appendix F ISTEA Public Involvement Provisions
- Appendix G Development of Policy

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Metro's public involvement policy for its regional transportation planning, programming and project development activities was developed in response to strong interest in the region and to comply with ISTEA and recent state mandates. The policy is intended to support and encourage broad-based public participation in the development and review of Metro's transportation plans, programs and projects. The goal of Metro's public involvement policy is to seek out and provide for early and continuing public participation throughout the transportation planning and programming process in the Metro region. This policy establishes consistent minimum procedures to accomplish this goal; procedures beyond these minimums may be applied as warranted and are encouraged.

The federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) requires urban areas, through a Metropolitan Planning Organization (MPO), to develop and implement a continuing, cooperative and comprehensive transportation planning process. As the designated MPO for the Portland metropolitan area, Metro is responsible for the transportation planning process, including development of metropolitan plans and programs, studies of major transportation investments, and management systems, among others. ISTEA also requires MPOs to develop a public involvement process and to incorporate this process into the overall transportation planning process. The public involvement process should be proactive and should provide "complete information, timely public notice, full access to key decisions and (support) early and continuing involvement of the public in developing plans and (programs)."

Local public involvement procedures and guidelines have also been developed to ensure that there is adequate public participation at the local level in the formulation and adoption of local transportation plans and programs from which projects are drawn and submitted to Metro for federal funding. These local procedures are detailed in a companion piece, Local Public Involvement Policy, adopted with Metro's public involvement procedures.

## **Section 1**

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### **Introduction**

## **Section 2**

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### **Scope of Policy**

The policy is intended to focus on Metro's major actions and decisions. Metro develops and adopts the Regional Transportation Plan (RTP), the Metropolitan Transportation Improvement Program (MTIP), and other regional transportation plans and programs (see Figure 1 in Appendix A for an overview of the transportation programming and planning process). This public involvement policy applies to all of Metro's transportation plans and programs.

If a proposed action or decision is clearly a normal course-of-business activity that does not significantly affect the public or alter public policy, it may not be necessary to apply these procedures. But, if there is a question as to whether a project is broad-based enough to warrant application of these procedures, then the agency should follow them to ensure appropriate public notification and participation. Certain (i.e. minor) modifications to the Metropolitan Transportation Improvement Program (MTIP) are specifically exempted by the ISTEA from public involvement requirements (see Appendix G).

Metro is also responsible for development (e.g. identifying design, alignment, cost, etc.) of some projects of a regional scope, such as the South/North Transit Corridor Study. Project development occurs in many phases and not all phases are subject to this policy. Initial planning-oriented project development activities may include preparation of preliminary cost estimates, scope and location. These types of initial project development efforts managed by Metro for major projects on the regional system are subject to this policy to the extent that they help define the project so a decision can be made whether to include the project in a plan and/or program.

Later phases of project development, such as final design and alignment, generally follow a programming decision to fund the project and are not subject to this policy. Existing state and federal guidelines govern the public outreach activities that are required during these later phases. Metro transportation plans, programs and project development activities will be reviewed and approved consistent with the public involvement procedures and guidelines defined in Sections 3 and 4.



## **Section 3**

# **Public Involvement Procedures**

The procedures in this section shall apply to all Metro transportation planning, programming (i.e. funding) and project development activities where Metro acts as the lead agency. Metro will provide for public involvement, consistent with the following goals, objectives and guidelines, in development of its short and long-range regional transportation plans, programs and projects. Figure 2 in Appendix A depicts the public involvement process outlined in this policy. A detailed public involvement plan should be developed appropriate to each plan, program or project. The overall intent of each public involvement plan should be consistent with the goals and objectives of Metro's policy.

### **3.A Goal**

Provide complete information, timely public notice, full public access to key decisions and support broad-based and early and continuing involvement of the public in developing regional transportation plans, programs and projects.

### **3.B Objectives**

1. Establish a general public involvement framework and clear timeline of decision points early in the transportation planning and programming process. The schedule should describe what decisions will be made and when, so that the public understands how to influence the process.
2. Involve those traditionally underserved by the existing system and consider their transportation needs. The traditionally underserved population includes, but is not limited to, minority and low income households. Persons who are unable to own and/or operate a private automobile (e.g. youth, the elderly and the disabled) may also be included in this category.
3. Remove barriers to public participation by those traditionally under-represented in the transportation planning process, such as the transportation-disabled and private transportation providers.
4. Provide information on regional transportation planning and programming activities in a timely manner to interested parties.
5. Periodically review and update the public involvement process to reflect feedback from participants.
6. Provide opportunities for the public to supply input. Revise work scopes, plans and programs to reflect public comment, as appropriate. Create a record of public comment received and

agency response regarding draft transportation plans and programs at the regional level.

7. Provide additional opportunities for public comment if there are significant differences between the draft and final plans.
8. Provide updated summaries of public comment at key decision points.
9. Allow for local governing body input and recommendations into the regional transportation planning process.

The following additional objective applies to Metro review of locally developed plans and programs from which projects are drawn and submitted for regional funding:

10. Ensure that development of local transportation plans and programs was conducted according to Metro guidelines for local public involvement as defined in Local Public Involvement Procedures.

### **3.C Structure/Work Program**

A public involvement structure/work program will be defined for each Metro plan, program or project. The structure will specify the opportunities for public involvement, including the structure for participation by the general public (workshops, hearings) and by citizen advisory committees, as appropriate. The plan, program or project structure should identify the underserved (e.g. minority, low income) population and what measures will be used to seek out and consider their participation. The structure should also identify and describe key decision points.

Each plan, program or project public involvement structure will be subject to the goals, objectives and guidelines described in this section. The public involvement events and other opportunities described in each public involvement plan should be consistent with the guidelines detailed below in Section 3. D. The guidelines are more specific for certain types of long-term plans and programs. It is recognized that these activities vary significantly and that there are any number of methods that could be employed to meet the overall intent of providing adequate, accessible public involvement during the planning process.

The public involvement structure may be fully defined at the start of the process, or it may be developed in concept (outline format) initially and then refined as a scoping element of the plan, program or project.

### **3.D Guidelines**

The purpose of these guidelines is to ensure that all transportation plans, programs and project development activities requiring Metro action include public involvement prior to action by the Metro Council. These guidelines will also help to ensure that the goals and objectives for Metro and local public involvement will be achieved.

#### **How to Use These Guidelines:**

All Metro plans, programs and project development activities are subject to the following guidelines. The guidelines for timeliness of notification are more restrictive for long-term, large-scale (i.e. "major") planning and programming efforts than for the other activities. These long-term, large-scale activities include major updates to the Regional Transportation Plan (RTP) and the Metropolitan Transportation Improvement Program (MTIP). These are the two primary ongoing documents guiding improvements to the regional transportation system.

The regional planning process also involves other large-scale planning efforts, such as major planning studies of transportation needs in particular transportation corridors and subareas. These major planning and programming activities are identified in Metro's Unified Work Program (UWP), have long-range significance, and generally take more than one year to complete. For purposes of applying the public notification guidelines (item 1 below), major updates to the RTP, the TIP and major corridor/subarea studies are referred to as "UWP" activities and are identified by a small "i".

Guidelines denoted by a small "ii" shall apply to all other plans and programs not included above and to all project development efforts, meaning generally short-term activities that address needs not previously anticipated in Metro's UWP. The public involvement process for each plan, program or project development effort shall include a finding to establish the applicable set of guidelines (either "i" or "ii"). For major planning and programming activities, this finding will be reviewed by the Metro Committee for Citizen Involvement (MCCI) when they review the preliminary public involvement plan for that activity.

Metro's review of its regional transportation plans, programs and project development efforts will conform to the following guidelines:

#### **1. Timeliness of Notification**

Provide minimum advance notice for public participation in regional transportation planning, programming and project development. Minimum required notice will depend on the type of plan, program or project development effort under review and will meet the following guidelines:

- a. Initial public involvement activities, defined as the initial public meeting or other activity used to kick off the public outreach and involvement effort. It is expected that announcement of this event will be broad-based and that those persons and groups who are interested in the plan, program or project will request that their names be added to the mailing list. Consistent with Objective 1, an initial notification is required. This notification should occur early enough in the process to allow public input on early decisions, such as problem definition, goals and objectives, and alternatives to be studied. The intent is to have public participation begin early and continue through the entire process.
- i. **RTP/TIP/major study:** 45 calendar days are required for advance notice to community organizations, including neighborhood associations and citizen participation organizations, and other interest groups before the initial public meeting or other activity used to kick off the public outreach and involvement effort. This advance notice may be preliminary in nature and should identify how additional information can be obtained, including getting on the mailing list.

If a citizen advisory committee is to be used – it is optional for any particular plan or program – the advance notice should indicate that a CAC is being recruited. A follow-up notice should be distributed consistent with the notification methods described in Sub-section 2 to provide more detailed information closer to the date of the event. See Sub-section 3 for more information on what should be included in notifications.

- ii. **All other plans/programs/projects:** For efforts with sufficient time frame, 45 calendar days notice to community organizations, including neighborhood associations and citizen participation organizations, and other interest groups for the initial public involvement activity is desirable. For other plans, programs and projects, advance notice will depend on the scope and schedule of the effort. It is recognized that each project is unique and that a *very visible or targeted* public information effort can somewhat compensate for a shortened time frame when necessary.
- b. Key decision points, defined as (1) the initial policy decision on work scope and alternatives to be studied, (2) the availability of a draft or preliminary recommendation, and (3) final adoption by the Metro Council. Additional key decision points may be identified as needed. Notices should indicate if there is a draft document available for review and comment. To the extent possible, notices should include a schedule of all major points in the decision-making process.

i. **RTP/TIP/major study:** 45 calendar days notice is required for advance notice to community organizations, including neighborhood associations and citizen participation organizations, and other interest groups. This 45-day notice requirement can be combined with the 45-day notice for initial public involvement activities described in Sub-section (a) above. For example, the 45-day advance notice that announces the kick-off meeting for a planning study could also indicate that the initial policy decision on the work scope will occur the following month. A follow-up notice should be distributed consistent with the notification methods described in Sub-section 3 to provide more detailed information closer to the date of the event.

ii. **All other plans/programs/projects:** For efforts with sufficient time frame, 45 calendar days notice to community organizations, including neighborhood associations and citizen participation organizations, and other interest groups for key decision points is desirable. As described in (i) above, this notice requirement can be combined with the 45-day notice for initial public involvement activities, and follow-up notices should be distributed. For other plans, programs and projects, advance notice will depend on the scope and schedule of the effort.

c. All other opportunities for public involvement, including public hearings, meetings, workshops, etc.

i. **RTP/TIP/major study:** Two weeks notice to the project mailing list is required for public involvement opportunities and informational activities, understanding that there may be special circumstances where this is not feasible or desirable. It is recognized that each planning activity is unique and that a very visible or targeted public information effort can somewhat compensate for a shortened time frame when necessary. Where possible neighborhood associations and other interest groups should be notified 45 calendar days in advance. Examples of public involvement events include:

Public hearings or open houses to review proposed plans or programs

- Neighborhood meetings or workshops to discuss proposed plans/scoping documents
- TPAC/JPACT discussion of proposed work scope for major study/plan
- TPAC/JPACT/Metro Council non-voting discussion of proposed plans/programs

- ii. **All other plans/programs/projects:** Advance notification will depend on the project and its timeline. Community organizations should be notified as soon as possible. General announcements of public involvement activities for a plan, program or project will be made using methods, such as newsletters and direct mailings, described in Sub-section 2. Upcoming events should also be announced at earlier events, such as meetings of a citizens advisory committee, in order to provide as much advance notice as possible.

## **2. Notification Methods**

Publicize notices of public hearings, meetings and other activities in a newspaper of general circulation, such as The Oregonian. Use other media (e.g. radio, television) as needed. In addition, keep and use an up-to-date mailing list to directly notify affected and interested persons and groups. Examples of affected and interested parties are listed in Appendix C.

## **3. Content of Notifications**

To the extent possible, notifications of public involvement opportunities should identify and describe the following information. Notifications should be easy to understand and provide adequate information and/or indicate how additional information can be obtained.

What action is being undertaken and an explanation of the process.

What issues are open for discussion (e.g. regional significance).

Who is holding the event/meeting and to whom comments will be made.

A meeting agenda that includes a description of the meeting format.

How the comments will be used.

How much time is scheduled for public comment at meetings.

Who should be interested/concerned and what are the major issues.

How decisions may affect the region.

The schedule for the process.

Who may be contacted by telephone, in writing or by other means to offer comments and/or suggestions.

Future opportunities for comment and involvement.

The purpose, schedule, location and time of meetings.

The location(s) where information is available.

The comment period for written/oral comments.

The process that may be available for supplementing or modifying the final plan or program (including identifying the anticipated time period for the next plan/program update).

#### **4. Scheduling of Meetings**

Schedule meetings and hearings to allow the best opportunity for attendance by the general public and interest groups.

#### **5. Access to Meetings**

Conduct meetings and hearings in a convenient and fully accessible location. Meeting/hearing locations should be accessible by alternative modes. Provide for public follow-up by identifying timelines and key project contacts and their role in the regional planning process.

#### **6. Form of Communication**

Summarize technical and policy information so that it is easily understood and usable by the public. Provide full public access to technical data and analysis and provide for regional distribution of information. To the extent possible, have knowledgeable persons available to answer technical and policy questions at key public meetings and hearings. Provide an opportunity for the public to initiate ideas as well as respond to plans, programs and project ideas proposed by staff.

#### **7. Form and Use of Public Comment**

Metro will seek out and consider public input from a broad range of sources. As appropriate, public comments will be used to revise work scopes and/or draft transportation plans and programs. Summaries of comments received will be up-to-date and will be forwarded to advisory committees and policy-makers considering the plans, programs and projects. Parties making comments (oral or written) should identify the organization they represent (if any).

#### **8. Feedback/Response to Public Comment**

Respond to public comment in a timely manner. As appropriate, comments and concerns may be addressed as a group rather than individually. Provide a general summary of

public comment and agency response to participants in the regional planning process, while maintaining a complete record containing copies or transcripts of all public input for public review. For long-term plans, programs and projects, a feedback mechanism should be established to occur regularly and to maintain public interest. Significant oral and written comments on the draft RTP and MTIP will become part of the final plan and MTIP.

**9. Evaluation/Refinement of Public Involvement Process**

Evaluate the effectiveness of the public involvement process at regular intervals, or upon the completion of major planning efforts. Major modifications to Metro's general public involvement process should be published for a 45-day public comment period prior to adoption.

## **Section 4**

### **Relation of this Policy to Local Public Involvement Processes**

Before a transportation project initiated by a local government can be included in a Metro plan or program, the sponsoring local jurisdiction must demonstrate that the local transportation plan or program – from which the project was drawn – incorporated adequate public involvement. This policy seeks to ensure the integrity of local decisions regarding projects (from local plans and programs) submitted for regional funding or other action. Discussion and review of local projects, for possible inclusion in Metro's plans and programs, will focus on regional issues only. Metro expects that local jurisdictions will resolve local issues during local planning and programming, prior to the time projects are forwarded to Metro.

Metro will be expected to comply with this policy. However, failure to exactly comply with the procedures contained in this policy shall not, in and of itself, render any decisions or actions invalid. If there is question of whether the policy's goals and objectives have been met by Metro's public involvement efforts, the dispute resolution process described later in this section shall apply. The dispute resolution process shall focus on whether Metro made a reasonable attempt to achieve the intent of the policy.



## **Section 5**

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### **Compliance**

#### **5. A How the Policy and its Procedures Will be Applied.**

This policy establishes minimum standards for public involvement opportunities that Metro is expected to follow when producing transportation plans, programs and projects. It is recognized, however, that each planning activity is unique and that there may be special circumstances (e.g. extremely short time frame) where strict adherence to the guidelines may not be possible or desirable. Metro can employ a very visible or targeted public information effort to compensate somewhat in the event of an extremely short time frame for a particular activity.

#### **5. B Dispute Resolution Process**

The dispute resolution process will focus on determining the degree of compliance with the guidelines contained in this policy. The extent to which the agency's actions met the intent of the policy by achieving the goals and objectives of procedures will be considered. If it is determined that Metro has not met the spirit of the guidelines contained in this policy, Metro may be required to conduct additional public involvement activities to ensure there has been adequate public review.

Questions of adequacy of compliance with this policy should first be addressed to Metro's planning director. If the dispute can not be resolved by the planning director it will be forwarded to Metro's executive officer for consideration. If the dispute can not be resolved by the executive officer it will be forwarded to the Metro Council.

#### **5. C Effective Date of Policy**

This policy will become effective when it is adopted into the Regional Transportation Plan. From that point forward, conformance with this policy will be required for public involvement activities and adoption decisions pertaining to Metro's transportation plans, programs and project development activities. The following current or upcoming activities will be subject to this policy:

1. Metro transportation plans (e.g. Regional Transportation Plan: 1995 Update)
2. Metro transportation programs (e.g. fiscal year 1996 Metropolitan Transportation Improvement Program)
3. Metro transportation project development activities (e.g. South Willamette River Crossing Study)

#### **5. D Amendments to Policy**

Metro will periodically, or at least every three years (consistent with ISTEA), review and evaluate this public involvement policy. Amendments to the policy will require a 45-day public comment period prior to adoption.

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## Appendix A

### Figures

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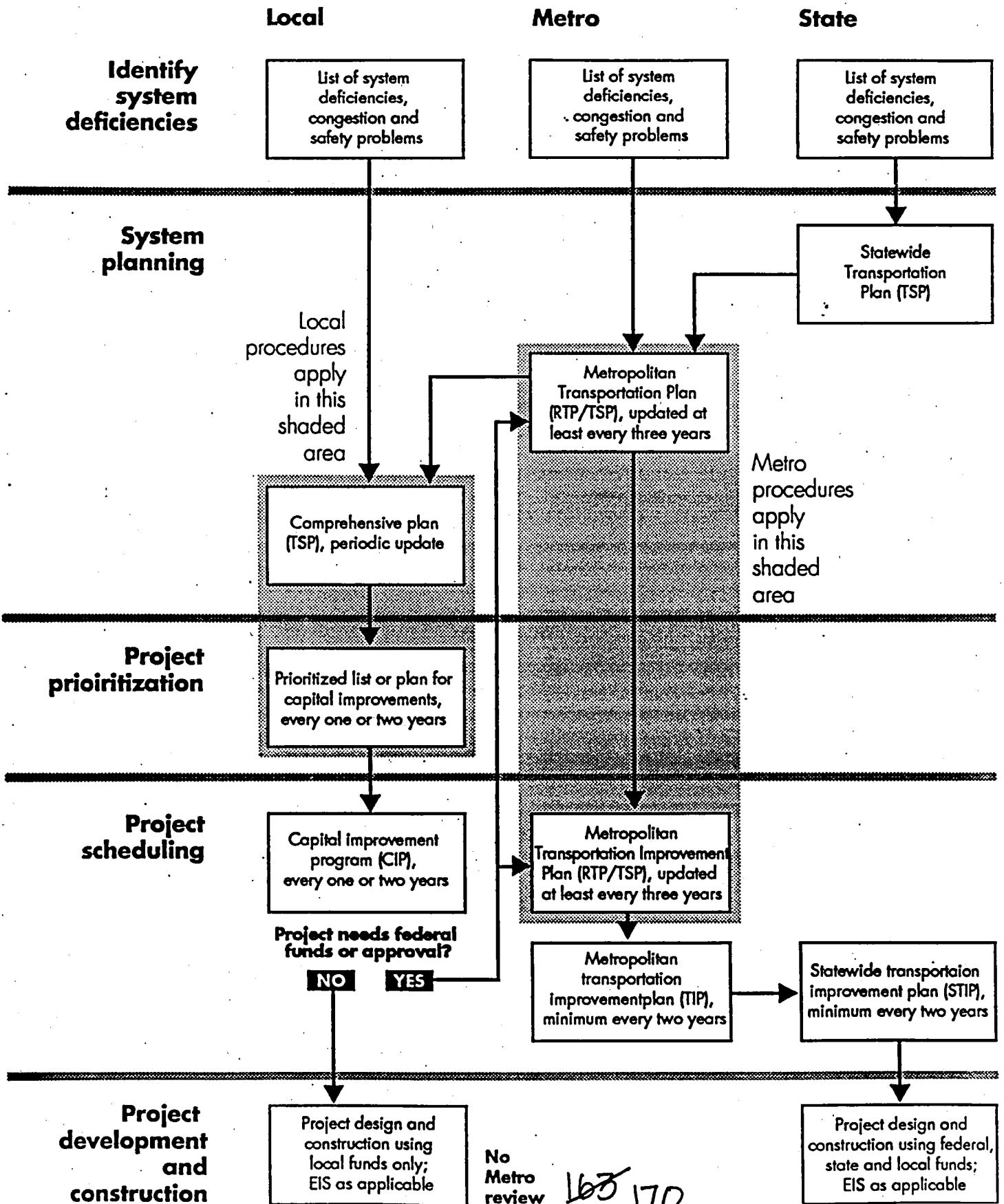
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Figure 1

# Transportation Planning and Programming Process



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1. **Notify public that project has started – Metro staff**  
First opportunity to be added to mailing list – public
2. **Develop work program – Metro staff**  
Draft public involvement plan – Metro staff,  
review by Metro Committee for Citizen Involvement
3. **Initiate public involvement opportunities – Metro staff**
4. Sponsor scoping sessions to get initial public input –  
Metro Committee for Citizen Involvement and Metro staff
5. Refine work program – Metro staff  
Refine public involvement plan – Metro staff
6. Complete technical research and analysis according  
to work program – Metro staff
7. **Provide ongoing opportunities for public input  
and comment – Metro staff**
8. Prepare and publish draft recommendations – Metro staff
9. **Provide formal opportunities for public input  
and comment – Metro staff**  
Respond to public comments – Metro staff
10. Present draft recommendations and record of public  
comment and staff response to the Technical Policy  
Advisory Committee (TPAC)
11. **Review and publish revised draft**
12. **Provide on-going opportunities for public input  
and comment. Multiple meetings and revisions,  
possible at this stage.**
13. Present revised recommendations and record of public  
comment and staff response to the Joint Policy Advisory  
Committee on Transportation (JPACT) and the Metro Council
14. Update drafts based on JPACT and Metro Council review
15. **Hold public hearing. Provide 45-day notice for final  
Metro Council approval and adoption.**

## Metro Public Involvement Process

### Transportation Planning, Programming and Project Development

*Opportunity for public  
involvement is built  
into the project work  
program. (Public actions  
indicated in bold.)*

## Appendix B

### Glossary

The **Intermodal Surface Transportation Efficiency Act (ISTEA)**, signed into law on Dec. 18, 1991, provides regions and states with additional funding and more flexibility in making transportation decisions. The act requires the metropolitan area planning process to include additional considerations such as land use, intermodal connectivity, methods to enhance transit service and needs identified through the management systems.

The **Joint Policy Advisory Committee on Transportation (JPACT)** provides a forum for elected officials and representatives of agencies involved in transportation to evaluate all transportation needs in the region and to make recommendations to the Metro Council.

The **Metro Committee for Citizen Involvement (MCCI)** was established (under a different name) by the Regional Urban Growth Goals and Objectives (RUGGO) in 1991. Committee members represent the entire area within the boundaries of Clackamas, Multnomah and Washington counties and are appointed by the Metro Council. According to its by-laws, the mission of the MCCI is to "advise and recommend actions to the Metro Council on matters pertaining to citizen involvement."

The **Metro Council** is composed of seven members elected from districts throughout the metropolitan region. The council approves Metro policies, including transportation.

**Metropolitan Planning Organization (MPO)** means the forum for cooperative transportation decision-making for the metropolitan planning area. Metro is the MPO for the Oregon portion of the Portland-Vancouver metropolitan area.

**Oregon's Statewide Planning Goals** form the framework for a statewide land-use planning program. The 19 goals cover four broad categories: land use, resource management, economic development and citizen involvement. Locally adopted comprehensive plans must be consistent with the statewide planning goals.

**Persons Potentially Under-served by the Transportation System** are identified in the ISTEA metropolitan area planning regulations as those including, but not limited to, low-income and minority households. Persons who are unable to own and/or operate a private automobile (e.g., youth, the elderly and the disabled) may also be included in this category.

**Metro's Regional Urban Growth Goals and Objectives (RUGGOs)**, adopted in 1991, produced an urban growth policy framework and represents the starting point for the agency's long-range regional planning program.

The **Transportation Planning Rule** was adopted in 1991 to implement Statewide Planning Goal 12 (Transportation). The rule requires the



state's metropolitan areas to reduce reliance on the automobile by developing transportation system plans which demonstrate reductions in vehicles miles of travel per capita and in parking spaces per capita.

The **Transportation Policy Alternatives Committee (TPAC)** provides technical input to the JPACT policy-makers. TPAC's membership includes technical staff from the same governments and agencies as JPACT, plus others. There are also six citizen representatives appointed by the Metro Council.

The mailing list of interested and affected parties for any plan, program or project study may include but is not limited to the following. Notification lists should be appropriate to the project, its scope, timeline and budget.

Elected officials

Neighborhood associations

Property owners

Business groups

Users of the facility or corridor

Persons who have previously expressed interest in similar projects or related studies

Persons potentially under-served by the transportation system

Methods of notifying the public of opportunities for involvement may include but are not limited to:

News releases

Newsletters

Public notices

Distribution of flyers

Public service announcements

Electronic bulletin board

Billboards

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## **Appendix C**

### **Interested and Affected Parties (examples)**

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## **Appendix D**

### **Notification Methods/ Strategies (examples)**

Posters

News stories

Advertisements

Mailings to interested/affected parties list

## Appendix E

### **Opportunities for Public Involvement (examples)**

The following are examples and ideas for strategies to provide for public involvement in transportation planning. Many of these ideas and descriptions are taken from "Innovations in Public Involvement for Transportation Planning" distributed jointly by the Federal Highway Administration and the Federal Transit Administration (January 1994). A copy of this document may be obtained from Metro.

The following list is meant to provide ideas for consideration. Metro does not intend to prescribe specific strategies for use for any particular project. Jurisdictions are free to choose one or more of the following or to use any other appropriate strategies for their public involvement activities.

**Brainstorming** is a simple technique used in a meeting where participants come together in a freethinking forum to generate ideas. Used properly – either alone or in conjunction with other techniques – brainstorming can be a highly effective method of moving participants out of conflict and toward consensus.

A **charrette** is a meeting to resolve a problem or issue. Within a specified time limit, participants work together intensely to reach a resolution.

**Citizen surveys** assess widespread public opinion. A survey is administered to a sample group of citizens via a written questionnaire or through interviews in person, by phone or by electronic media. The limited sample of citizens is considered representative of a larger group. Surveys can be formal (scientifically assembled and administered) or informal.

A **Citizens advisory committee** is a representative group of stakeholders that meets regularly to discuss issues of common concern. While citizens advisory committees (CACs) have been used for many years and the technique itself is not innovative, it can be used very creatively.

A **collaborative task force** is assigned a specific task with a time limit to come to a conclusion and resolve a difficult issue, subject to ratification by official decision-makers. It can be used on a project level or for resolving issues within a project. Its discussion can help agencies understand participants' qualitative values and reactions to proposals. It

can aid in development of policies, programs, and services and in allocation of resources.

**Focus groups** are tools used to gauge public opinion. Borrowed from the marketing and advertising industry, they define transportation as a product with the public as customers. Focus groups are a way to identify customer concerns, needs, wants and expectations. They can inform sponsors of the attitudes and values that customers hold and why. Each focus group involves a meeting of a carefully selected group of individuals convened to discuss and give opinions on a single topic.

**Media strategies** inform the public about projects and programs through newspapers, radio, television and videos, billboards, posters and displays, mass mailings of brochures or newsletters and distribution of flyers. Better information enhances public understanding of a project or program and is the basis of meaningful public involvement efforts.

A **period for written and oral comments** provides an opportunity for in-depth and more lengthy consideration and response by the public to draft recommendations. A comment period allows interested parties an opportunity to present their opinion on a particular project without the need for attending meetings or hearings.

**Public meetings and hearings** provide opportunities for information exchange. Public meetings present information to the public in any number of ways and obtain informal input from citizens. Held throughout the planning process, they can be tailored to specific issues or citizen groups and can be informal or formal. Public hearings are more formal events than public meetings and generally focus on a specific proposal or action. Held prior to a decision point, a public hearing gathers citizen comments and positions from all interested parties for public record and input into decisions. Facilitators can be used to effectively guide the discussions at meetings.

**Telephone techniques** make use of the telephone for two-way communication with the public. The telephone can be used to obtain information and to give opinions. Its use has entered a new era of potential applications to community participation, going beyond question-and-answer techniques toward the evolving new multi-media connections with television and computers.

A **transportation fair** is an event used to interest citizens in transportation and in specific projects or programs. It is typically a one-day event, heavily promoted to encourage people to attend. Attractions such as futuristic vehicles can be used to bring people to the fair. Noted personalities can also draw participants.

**Video techniques** use recorded visual and oral messages to present information to the public, primarily via videotapes or laser disks. Video information can be presented at meetings or hearings. Many households own a videotape player, which provides an additional opportunity for information dissemination.

## **Appendix F**

### **ISTEA Public Involvement Provisions**

**Visioning** leads to a goals statement. Typically it consists of a series of meetings focused on long-range issues. Visioning results in a long-range plan. With a 20- or 30-year horizon, visioning also sets a strategy for achieving the goals.

ISTEA Public Involvement Provisions excerpted from the Metropolitan Area Planning regulations (23 CFR Part 450 Sub-part C)

#### SECTION 450.316 (b): Elements of the Planning Process

In addition, the metropolitan transportation planning process shall:

(1) Include a proactive involvement process that provides complete information, timely public notice, full public access to key decisions, and supports early and continuing involvement of the public in developing plans and TIPs and meets the requirements and criteria specified as follows:

(i) Require a minimum public comment period of 45 days before the public involvement process is initially adopted or revised;

(ii) Provide timely information about transportation issues and processes to citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, other interested parties and segments of the community affected by transportation plans and projects (including, but not limited to, central city and other local jurisdiction concerns);

(iii) Provide reasonable public access to technical and policy information used in the development of plans and TIPs and open public meetings where matters related to the Federal Aid highway and transit programs are being considered;

(iv) Require adequate public notice of public involvement activities and time for public review and comment at key decision points, including, but not limited to, approval of plans and TIPs (in nonattainment areas, classified as serious and above, the comment period shall be at least 30 days for the plan, TIP and major amendment(s));

(v) Demonstrate explicit consideration and response to public input received during the planning and program development processes;

(vi) Seek out and consider the needs of those traditionally under-served by existing transportation systems, including, but not limited to, low income and minority households;

(vii) When significant written and oral comments are received on the draft transportation plan or TIP (including the financial plan) as a result of the public involvement process or the interagency consultation process under the US EPA's conformity regulations, a summary, analysis, and report on the disposition of comments shall be made part of the final plan and TIP;

(viii) If the final transportation plan or TIP differs significantly from the one which was made available for public comment by the MPO and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts, an additional opportunity for public comment on the revised plan or TIP shall be made available;

(ix) Public involvement processes shall be periodically reviewed by the MPO in terms of their effectiveness in assuring that the process provides full and open access to all;

(x) These procedures will be reviewed by FHWA and FTA during certification reviews for TMAs, and as otherwise necessary for all MPOs, to assure that full and open access is provided to MPO decision-making processes; and

(xi) Metropolitan public involvement processes shall be coordinated with statewide public involvement processes wherever possible to enhance public consideration of the issues, plans, and programs and reduce redundancies and costs.

(2) Be consistent with Title VI of the Civil Rights Act of 1964 and the Title VI assurance executed by each state under 23 U.S.C. 324 and 29 U.S.C. 794, which ensure that no person shall, on the grounds of race, color, sex, national origin, or physical handicap, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under any program receiving federal assistance from the United States Department of Transportation;

(3) Identify actions necessary to comply with the Americans With Disabilities Act of 1990 (Pub. L 101f336, 104 Stat. 327, as amended) and U.S. DOT regulations "Transportation for Individuals With Disabilities" (49 CFR parts 27, 37, and 38);

(4) Provide for the involvement of traffic, ridesharing, transportation safety and enforcement agencies; commuter rail operators; airport and port authorities; toll authorities; appropriate private transportation providers and, where appropriate, city officials; and

(5) Provide for the involvement of local, state, and federal environmental, resource and permit agencies as appropriate.

SECTION 450.322 (c):

**Metropolitan Transportation Plan**

There must be adequate opportunity for public official (including elected officials) and citizen involvement in the development of the transportation plan before it is approved by the MPO, in accordance with the requirements of 450.316(b)(1). Such procedures shall include opportunities for interested parties (including citizens, affected public agencies, representatives of transportation agency employees, and private providers of transportation) to be involved in the early stages of the plan development/update process. The procedures shall include publication of the proposed plan or other methods to make it readily available for public review and comment and, in nonattainment [transportation management areas], an opportunity for at least one formal public meeting annually to review planning assumptions and the plan development process with interested parties and the general public. The procedures also shall include publication of the approved plan or other methods to make it readily available for information purposes.

SECTION 450.324 (c):

**Metropolitan Transportation Improvement Program (TIP)**

There must be reasonable opportunity for public comment in accordance with the requirements of 450.316(b)(1) and, in nonattainment [transportation management areas], an opportunity for at least one formal public meeting during the TIP development process. This public meeting may be combined with the public meeting required under 450.322(c). The proposed TIP shall be published or otherwise make readily available for review and comment. Similarly, the approved TIP shall be published or otherwise made readily available for information purposes.

SECTION 450.326:

**TIP: Modification**

Public involvement procedures consistent with 450.316(b)(1) shall be utilized in amending the TIP, except that these procedures are not required for TIP amendments that only involve projects of the type covered in 450.324(i). [Note: 450.324(i) refers to smaller-scale projects that may be grouped in the TIP rather than.

This draft public involvement policy was developed by the Metro Committee for Citizen Involvement (MCCI) and the Transportation Policy Alternatives Committee (TPAC). This policy incorporates input from public involvement and planning professionals and citizens in the region. Following a 45-day public review and comment period, the policy will be revised as appropriate and submitted to the Metro Council for adoption into the RTP.

The MCCI was established by the Regional Urban Growth Goals and Objectives (RUGGO) process and re-affirmed by the 1992 Metro Charter and is assisting the Metro Council in developing and reviewing public involvement procedures for all Metro activities, including planning.

TPAC includes staff from the region's governments and transportation agencies and has six citizen members. This committee provides technical advice on regional transportation issues to Metro's policy-makers. Metro staff are also assisting in development of the procedures and guidelines.

Adoption of the public involvement procedures will occur through review and action by Metro's policy-makers, including the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council. JPACT provides a forum for elected officials and representatives of agencies involved in transportation to evaluate needs in the region and to make recommendations to the Metro Council. The Metro Council is composed of seven members elected from districts throughout the metropolitan region. The council approves Metro policies, including transportation.

The draft public involvement procedures will be published for a 45-day public comment period. JPACT and the Metro Council will consider public comment in their review.

## **Appendix G**

### **Development of Policy**

#### **Metro Committee for Citizen Involvement**

Bob Bothman

Gail Cervený

Geoffrey W. Hyde

James B. Langston

#### **Transportation Policy Alternatives Committee**

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Washington County

Kathy Busse  
Multnomah County

Maggie Collins  
City of Milwaukie

Steve Dotterrer  
City of Portland

Molly O'Reilly  
Citizen

Rod Sandoz  
Clackamas County

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# Transportation Planning

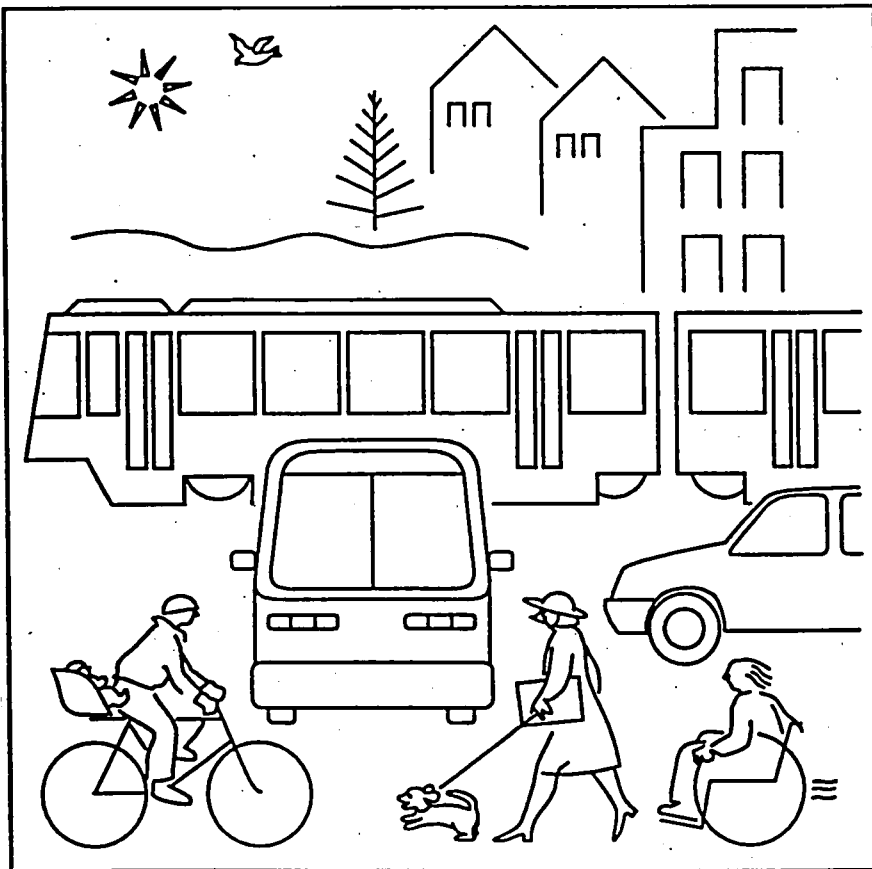


METRO

# Local Public Involvement Policy

May 1995

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**About Metro**

Metro is the directly elected regional government that serves more than 1.2 million residents in Clackamas, Multnomah and Washington counties and the 24 cities in the Portland metropolitan area.

Metro is responsible for growth management, transportation and land-use planning; solid waste management; operation of the Metro Washington Park Zoo; regional parks and greenspaces programs; and technical services to local governments. Through the Metropolitan Exposition-Recreation Commission, Metro manages the Oregon Convention Center, Civic Stadium, the Portland Center for the Performing Arts and the Expo Center.

Metro is governed by an executive officer and a seven-member council. The executive officer is elected regionwide; councilors are elected by district.

For more information about Metro or to schedule a speaker for a community group, call 797-1510.

## **Transportation Planning**

# **Local Public Involvement Policy**

# Executive Summary

## Public Involvement in Transportation Planning and Funding

Metro's public involvement policy for regional transportation planning and funding activities is intended to support and encourage broad-based public participation in development and review of Metro's transportation plans, programs and projects. The policy was developed in response to citizen interest and recent state and federal mandates.

This document describes Metro's public involvement policy for local jurisdictions submitting projects for regional funding or other action. This policy seeks to ensure the integrity of local decisions regarding projects (from local plans and programs) submitted for regional funding or other action.

Discussion and review of local projects for possible inclusion in Metro's plans and programs will focus on regional issues only. Metro expects that local jurisdictions will resolve local issues during local planning and programming prior to the time projects are forwarded to Metro.

Also included is a set of procedures for public involvement activities conducted at the local level. These procedures require that local transportation plans and programs meet minimum standards for public involvement at the local level prior to subsequent action on local transportation actions by the Metro Council.

## Public Involvement Goals

Involve local citizens, public officials and other local interests in the transportation planning and programming process, and in forwarding projects for consideration for regional transportation plans and programs.

## Policy Objectives

1. Provide Metro with assurance that development of local transportation plans and programs is conducted according to Metro's guidelines for local public involvement, as outlined in this section.
2. Provide a local role in the establishment of regional citizen advisory committees formed as part of Metro's transportation planning, programming and project development process.
3. Allow for local governing body input and recommendations into the regional transportation planning process.
4. Provide an avenue for participants in the local transportation planning process to become involved in regional transportation planning, programming and project development efforts.

## **Public Involvement Guidelines**

A set of public involvement guidelines have been developed to ensure the objectives of this policy are met. Metro's purpose in establishing these guidelines is to ensure that all local transportation plans and programs from which projects are drawn and submitted to Metro for funding or other action meet minimum standards of public involvement prior to action by the Metro Council. These guidelines will also help ensure that the goals and objectives for Metro and local public involvement will be achieved.

## **Compliance and Dispute Resolution**

The public involvement procedures establish minimum standards for public involvement opportunities that agencies producing transportation plans and programs are expected to follow. However, failure to exactly comply with the procedures contained in the policy shall not, in and of itself, render any decisions or actions invalid.

The dispute resolution process will focus on determining the degree of compliance with the guidelines contained in this policy and the extent to which the agency's actions met the intent of the policy by achieving the goals and objectives of the procedures. If it is determined that the local jurisdiction has not met the spirit of the guidelines contained in this policy, the local jurisdiction may be required to conduct additional public involvement activities to ensure there has been adequate public review at the local level.

## **Effective Date of Policy**

This policy will become effective when it is adopted into the Regional Transportation Plan. From that point forward, conformance will be required for public involvement activities pertaining to Metro's transportation plans, programs and project development activities. Metro will periodically, or at least every three years, review and evaluate this public involvement policy. Amendments to the policy will require a 45-day public comment period prior to adoption.

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## **Section 1**

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### **Introduction**

This document describes Metro's public involvement policy for local jurisdictions submitting projects for regional funding or other action. The policy provides local jurisdictions with flexibility in designing their public involvement programs and in selecting techniques for soliciting and considering public comment.

Metro understands that local jurisdictions have adopted public involvement programs, in accordance with State Planning Goal 1: Citizen Involvement. Metro encourages and expects local jurisdictions to use their adopted programs to develop and adopt transportation plans and programs, but the public involvement efforts for these decisions must also meet the minimum standards outlined in this policy. In some cases, it may be desirable for local jurisdictions to amend their public involvement programs so that these policies are consistent with Metro's requirements for local public involvement in transportation planning and programming.

The policy seeks to ensure the integrity of local decisions regarding projects (from local plans and programs). Discussion and review of local projects for possible inclusion in Metro's plans and programs will focus on regional issues only. Metro expects that local jurisdictions will resolve local issues during local planning and programming, prior to the time projects are forwarded to Metro.

Also included is a set of procedures for public involvement activities conducted at the local level. These procedures apply to locally adopted transportation plans and programs from which transportation projects are drawn and submitted to Metro. These procedures require that local transportation plans and programs meet minimum standards for public involvement at the local level prior to subsequent action on local transportation actions by the Metro Council.

## **Section 2**

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### **Scope of Policy**

The procedures in this policy shall apply to locally-adopted transportation plans and programs (i.e. funding) where local jurisdictions have lead agency authority, from which transportation projects are drawn and submitted to Metro for regional funding or other action (see Appendix A for a depiction of the transportation planning and programming process). These procedures do not apply to local transportation projects on an individual basis or to local project development actions (e.g. decisions about design, alignment, etc.), but rather focus on the local system plans and programs that prioritize those projects.

However, if a local jurisdiction forwards a project to Metro that is not in its locally adopted plan and program, the local jurisdiction must, at a minimum, hold a public hearing prior to making the decision to forward the project. Projects adopted in both the local plan and program

(provided that the public involvement process for the plan and program was adequate) will be deemed to be top local priorities and will not require a supplementary public hearing. Metro is required to meet similar standards for public involvement during regional review of its proposed transportation plans, programs and projects.

Local jurisdictions must demonstrate that they have provided for public involvement during local transportation planning activities for regional projects and programs. Local jurisdictions must certify to Metro that they have followed a public involvement process consistent with the following goals, objectives and guidelines in developing and adopting transportation programs from which projects are drawn and submitted to Metro for funding or other action. Metro is required to meet similar standards for public involvement during regional review of proposed transportation plans, programs and projects.

### **3.A Goal**

Involve local citizens, public officials and other local interests in the transportation planning and programming process, and in forwarding projects for consideration for regional transportation plans and programs.

### **3.B Objectives**

1. Provide Metro with assurance that development of local transportation plans and programs is conducted according to Metro's guidelines for local public involvement, as outlined in this section.
2. Provide a local role in the establishment of regional citizen advisory committees formed as part of Metro's transportation planning, programming and project development process.
3. Allow for local governing body input and recommendations into the regional transportation planning process.
4. Provide an avenue for participants in the local transportation planning process to become involved in regional transportation planning, programming and project development efforts.

### **3.C Guidelines**

Metro's purpose in establishing these guidelines is to ensure that all local transportation plans and programs from which projects are drawn and submitted to Metro for funding or other action meet minimum standards of public involvement prior to action by the Metro Council. These guidelines will also help to ensure that the goals and objectives for Metro and local public involvement will be achieved.

## **Section 3**

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# **Public Involvement Procedures**



## **Section 2**

### **Scope of Policy**

It is recognized that local transportation plans and programs vary significantly and that there are any number of methods that could be employed to meet the overall intent of providing adequate, accessible public involvement during the local transportation planning process. Local transportation plans and programs from which projects are drawn and submitted to Metro for review should meet the following guidelines for local public review:

#### **Local Public Involvement Guidelines**

The guidelines are listed in sequential order. Examples are in italics and are included for informational purposes only. Other examples can be found in the appendices.

1. At the beginning of the transportation plan or program, develop and apply a public involvement program that meets the breadth and scope of the plan or program. Public participation should be broad-based, with early and continuing opportunities throughout the plan or program's lifetime. *work program, schedule, budget, staffing needs*
2. Identify appropriate interested and affected groups. Update as needed. *neighborhood associations; property owners; business groups; users of the facility or corridor; persons who have previously expressed interest in similar projects; those potentially under-served (e.g. minority, low income households, youth and the elderly)*
3. Announce the initiation of the plan or program and solicit initial input. If the plan or program schedule allows, the local jurisdiction should notify neighborhood associations, citizen participation organizations and other interest groups 45 calendar days prior to (1) the public meeting or other activity (examples follow) used to kick off public involvement for the plan or program; and (2) the initial decision on the scope and alternatives to be studied. *transportation fair, neighborhood meetings, public workshop*
4. Provide reasonable notification of key decision points and public involvement opportunities in the planning and programming process. Examples of key decision points beyond the initial policy decision on work scope and alternatives to be studied include the availability of a draft or preliminary recommendation, and final adoption of the plan or program. Opportunities for public involvement include, but are not limited to workshops, public hearings, public meetings, open houses, written and oral comment periods, and citizen advisory committees (if used). Where possible, neighborhood associations, citizen participation organizations and other interest groups should be notified 45 calendar days in advance. *news releases, newsletters, public notices, advertisements, mailings to list*

5. Provide a forum for timely, accessible input throughout the lifetime of the plan or program. *task force or citizen advisory committee meetings, workshops*
6. Provide opportunity for input in reviewing screening and prioritizing criteria. *workshops, surveys, public hearings*
7. Provide opportunity for review/comment on staff recommendations. *workshops, surveys, public hearings, comment period following release of staff recommendations*
8. Consider and respond to public comments and questions. As appropriate, revise draft documents and/or recommendations based on public input. *maintain record (copies or transcripts) of comments received, provide policy-makers with summaries of public comments and agency response*
9. Provide adequate notification of final adoption of the plan or program. If the plan or program schedule allows, the local jurisdiction should notify neighborhood associations, citizen participation organizations and other interest groups 45 calendar days prior to the adoption date. A follow-up notice should be distributed prior to the event to provide more detailed information. *news releases, newsletters, public notices, advertisements, mailings to list*

### **3.D Certification of Local Public Process**

In order to certify that it has satisfied the requirements for local public involvement outlined in this section, the sponsoring local jurisdiction should complete the following steps for each plan or program from which projects are drawn and submitted to Metro.

1. Follow a local public involvement process which is consistent with the goal, objectives and guidelines described in this section.
2. Complete the checklist in Appendix A. Submit the checklist and any supporting documentation (e.g. locally adopted public involvement procedures) to Metro.
3. Make available, if needed, mailing lists for use by Metro during its review of the local plan, program or project.
4. At appropriate times (e.g. beginning of MTIP programming process), inform persons and groups on the mailing list that projects from the local transportation plan and/or program have been submitted to Metro. Advise those interested in the regional transportation planning and programming process to contact Metro for further information.

## **Section 3**

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### **Public Involvement Procedures**

If a project is submitted to Metro that is not in the local transportation plan and/or program, the agency should describe the public involvement process for selecting that project as a top local priority for funding or other Metro action. At a minimum, the local jurisdiction must hold a public hearing prior to making the decision to forward the project. The public hearing should be held by whatever council, commission or committee is making the decision. In some cases, the decision-making body or committee will not be elected, but may be one of the county coordinating committees that were established to frame countywide policies and recommendations.

## **Section 4**

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### **Compliance**

Local jurisdictions submitting projects or programs to Metro for regional funding or other action will be expected to comply with this policy. However, failure to exactly comply with the procedures contained in this policy shall not, in and of itself, render any decisions or actions invalid. If there is question of whether the policy's goals and objectives have been met by an agency's public involvement efforts, the dispute resolution process described later in this section shall apply. The dispute resolution process shall focus on whether the agency in question made a reasonable attempt to achieve the intent of the policy.

#### **4. A How the Policy and its Procedures will be Applied**

This policy establishes minimum standards for public involvement opportunities that agencies producing transportation plans and programs are expected to follow. It is recognized, however, that each planning activity is unique and that there may be special circumstances (e.g. extremely short time frame) where strict adherence to the guidelines may not be possible or desirable. Agencies can employ a very visible or targeted public information effort to compensate somewhat in the event of an extremely short time frame for a particular activity.

#### **4. B Dispute Resolution Process**

The dispute resolution process will focus on determining the degree of compliance with the guidelines contained in this policy. The extent to which the agency's actions met the intent of the policy by achieving the goals and objectives of the procedures will be considered. If it is determined that the local jurisdiction has not met the spirit of the guidelines contained in this policy, the local jurisdiction may be required to conduct additional public involvement activities to ensure there has been adequate public review at the local level.

Questions of adequacy of compliance with this policy should first be addressed to Metro's planning director. If the dispute can not be resolved by the planning director, it will be forwarded to Metro's

executive officer for consideration. If the dispute cannot be resolved by the executive officer, it will be forwarded to the Metro Council.

**4. C Effective Date of Policy**

This policy will become effective when it is adopted into the 1995 update of the Regional Transportation Plan. From that point forward, conformance with this policy will be required for public involvement activities and adoption decisions pertaining to Metro's transportation plans, programs and project development activities.

**4. D Amendments Policy**

Metro will periodically, or at least every three years (consistent with ISTEA), review and evaluate this public involvement policy. Amendments to the policy will require a 45-day public comment period prior to adoption.

# Appendix A

## Local Public Involvement Checklist

Local jurisdictions/project sponsors must complete this checklist for local transportation plans and programs from which projects are drawn that are submitted to Metro for regional funding or other action. Section 3.D of Metro's local public involvement policy for transportation describes the certification process, including completion of this checklist. See Section 3.D for information about the other certification steps.

If projects are from the same local transportation plan and/or program, only one checklist need be submitted for those projects. For projects not in the local plan and/or program, the local jurisdiction should complete a checklist for each project.

The procedures for local public involvement (Section 3) and this checklist are intended to ensure that the local planning and programming process has provided adequate opportunity for public involvement prior to action by Metro. To aid in its review of local plans, programs and projects, Metro is requesting information on applicable local public involvement activities. Project sponsors should keep information (such as that identified in italics) on their public involvement program on file in case of a dispute.

### A. Checklist

- 1. At the beginning of the transportation plan or program, a public involvement program was developed and applied that met the breadth and scope of the plan/program. Public participation was broad-based, with early and continuing opportunities throughout the plan/program's lifetime. *(Keep copy of applicable public involvement plan and/or procedures.)*
- 2. Appropriate interested and affected groups were identified and the list was updated as needed. *(Maintain list of interested and affected parties.)*
- 3. Announced the initiation of the plan/program and solicited initial input. If the plan/program schedule allowed, neighborhood associations, citizen planning organizations and other interest groups were notified 45 calendar days prior to (1) the public meeting or other activity used to kick off public involvement for the plan/program; and (2) the initial decision on the scope and alternatives to be studied.

*Keep descriptions of initial opportunities to involve the public and to announce the project's initiation. Keep descriptions of the tools or strategies used to attract interest and obtain initial input.*

- 4. Provided reasonable notification of key decision points and opportunities for public involvement in the planning and programming process. Neighborhood associations, citizen planning organizations and other interest groups were notified as early as possible.

*Keep examples of how the public was notified of key decision points and public involvement opportunities, including notices and dated examples. For announcements sent by mail, document number of persons/groups on mailing list.*

- 5. Provided a forum for timely, accessible input throughout the lifetime of the plan/program.  
*Keep descriptions of opportunities for ongoing public involvement in the plan/program, including citizen advisory committees. For key public meetings, this includes the date, location and attendance.*
- 6. Provided opportunity for input in reviewing screening and prioritizing criteria.  
*Keep descriptions of opportunities for public involvement in reviewing screening and prioritizing criteria. For key public meetings, this includes the date, location and attendance. For surveys, this includes the number received.*
- 7. Provided opportunity for review/comment on staff recommendations.  
*Keep descriptions of opportunities for public review of staff recommendations. For key public meetings, this includes the date, location and attendance. For surveys, this includes the number received.*
- 8. Considered and responded to public comments and questions. As appropriate, the draft documents and/or recommendations were revised based on public input.  
*Keep record of comments received and response provided.*
- 9. Provided adequate notification of final adoption of the plan or program. If the plan or program's schedule allows, the local jurisdiction should notify neighborhood associations, citizen participation organizations and other interest groups 45 calendar days prior to the adoption date. A follow-up notice should be distributed prior to the event to provide more detailed information.  
*Keep descriptions of the notifications, including dated examples. For announcements sent by mail, keep descriptions and include number of persons/groups on mailing list.*

**C. Summary of Local Public Involvement Process**

Please attach a summary (maximum two pages) of the key elements of the public involvement process for this plan, program or group of projects.

**B. Certification Statement**

\_\_\_\_\_

Project sponsor

Certifies adherence to the local public involvement procedures developed to enhance public participation.

\_\_\_\_\_

Signed

\_\_\_\_\_

Date

## **Appendix B**

### **Interested and Affected Parties (examples)**

The mailing list of interested and affected parties for any plan, program or project study may include, but is not limited to, the following. Notification lists should be appropriate to the project, its scope, timeline and budget.

Elected officials

Neighborhood associations

Property owners

Business groups

Users of the facility or corridor

Persons who have previously expressed interest  
in similar projects or related studies

Persons potentially under-served by the transportation system

## **Appendix C**

### **Notification Methods/ Strategies (examples)**

Methods of notifying the public of opportunities for involvement may include but are not limited to:

News releases

Newsletters

Public notices

Distribution of flyers

Public service announcements

Electronic bulletin board

Billboards

Posters

News stories

Advertisements

Mailings to interested/affected parties list

The following are examples and ideas for strategies to provide for public involvement in transportation planning. Many of these ideas and descriptions are taken from "Innovations in Public Involvement for Transportation Planning" distributed jointly by the Federal Highway Administration and the Federal Transit Administration (January 1994). A copy of this document may be obtained from Metro.

The following list is meant to provide ideas for consideration. Metro does not intend to prescribe specific strategies for use for any particular project. Jurisdictions are free to choose one or more of the following or to use any other appropriate strategies for their public involvement activities.

**Brainstorming** is a simple technique used in a meeting where participants come together in a freethinking forum to generate ideas. Used properly – either alone or in conjunction with other techniques – brainstorming can be a highly effective method of moving participants out of conflict and toward consensus.

A **charrette** is a meeting to resolve a problem or issue. Within a specified time limit, participants work together intensely to reach a resolution.

**Citizen surveys** assess widespread public opinion. A survey is administered to a sample group of citizens via a written questionnaire or through interviews in person, by phone, or by electronic media. The limited sample of citizens is considered representative of a larger group. Surveys can be formal (scientifically assembled and administered) or informal.

A **citizens advisory committee** is a representative group of stakeholders that meets regularly to discuss issues of common concern. While Citizens Advisory Committees (CACs) have been used for many years and the technique itself is not innovative, it can be used very creatively.

A **collaborative task force** is assigned a specific task with a time limit to come to a conclusion and resolve a difficult issue, subject to ratification by official decision-makers. It can be used on a project level or for resolving issues within a project. Its discussion can help agencies understand participants' qualitative values and reactions to proposals. It can aid in development of policies, programs, and services and in allocation of resources.

**Focus groups** are tools used to gauge public opinion. Borrowed from the marketing and advertising industry, they define transportation as a product with the public as customers. Focus groups are a way to identify customer concerns, needs, wants, and expectations. They can inform sponsors of the attitudes and values that customers hold and why. Each focus group involves a meeting of a carefully selected group of individuals convened to discuss and give opinions on a single topic.

## Appendix D

### **Opportunities for Public Involvement (examples)**



**Media strategies** inform the public about projects and programs through newspapers, radio, television and videos, billboards, posters and displays, mass mailings of brochures or newsletters, and distribution of flyers. Better information enhances public understanding of a project or program and is the basis of meaningful public involvement efforts.

**A period for written and oral comments** provides an opportunity for in-depth and more lengthy consideration and response by the public to draft recommendations. A comment period allows interested parties an opportunity to present their opinion on a particular project without the need for attending meetings or hearings.

**Public meetings and hearings** provide opportunities for information exchange. Public meetings present information to the public in any number of ways and obtain informal input from citizens. Held throughout the planning process, they can be tailored to specific issues or citizen groups and can be informal or formal. Public hearings are more formal events than public meetings and generally focus on a specific proposal or action. Held prior to a decision point, a public hearing gathers citizen comments and positions from all interested parties for public record and input into decisions. Facilitators can be used to effectively guide the discussions at meetings.

**Telephone techniques** make use of the telephone for two-way communication with the public. The telephone can be used to obtain information and to give opinions. Its use has entered a new era of potential applications to community participation, going beyond question-and-answer techniques toward the evolving new multi-media connections with television and computers.

**A transportation fair** is an event used to interest citizens in transportation and in specific projects or programs. It is typically a one-day event, heavily promoted to encourage people to attend. Attractions such as futuristic vehicles can be used to bring people to the fair. Noted personalities can also draw participants.

**Video techniques** use recorded visual and oral messages to present information to the public, primarily via videotapes or laser disks. Video information can be presented at meetings or hearings. Many households own a videotape player, which provides an additional opportunity for information dissemination.

**Visioning** leads to a goals statement. Typically it consists of a series of meetings focused on long-range issues. Visioning results in a long-range plan. With a 20- or 30-year horizon, visioning also sets a strategy for achieving the goals.

This draft public involvement policy was developed by the Metro Committee for Citizen Involvement (MCCI) and the Transportation Policy Alternatives Committee (TPAC). This policy incorporates input from public involvement and planning professionals and citizens in the region. Following a 45-day public review and comment period, the policy will be revised as appropriate and submitted to the Metro Council for adoption into the RTP.

The MCCI was established by the Regional Urban Growth Goals and Objectives (RUGGO) process and reaffirmed by the 1992 Metro Charter and is assisting the Metro Council in developing and reviewing public involvement procedures for all Metro activities, including planning.

TPAC includes staff from the region's governments and transportation agencies and has six citizen members. This committee provides technical advice on regional transportation issues to Metro's policy-makers. Metro staff are also assisting in development of the procedures and guidelines.

Adoption of the public involvement procedures will occur through review and action by Metro's policy-makers, including the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council. JPACT provides a forum for elected officials and representatives of agencies involved in transportation to evaluate needs in the region and to make recommendations to the Metro Council. The council is composed of seven members elected from districts throughout the metropolitan region. The council approves Metro policies, including transportation.

The draft public involvement procedures will be published for a 45-day public comment period. JPACT and the Metro Council will consider public comment in their review.

## **Appendix E**

### **Development of Policy**

#### **Metro Committee for Citizen Involvement**

Bob Bothman

Gail Cerveney

Geoffrey W. Hyde

James B. Langston

#### **Transportation Policy Alternatives Committee**

Mark Brown  
Washington County

Kathy Busse  
Multnomah County

Maggie Collins  
City of Milwaukie

Steve Dotterer  
City of Portland

Molly O'Reilly  
Citizen

Rod Sandoz  
Clackamas County

193 200

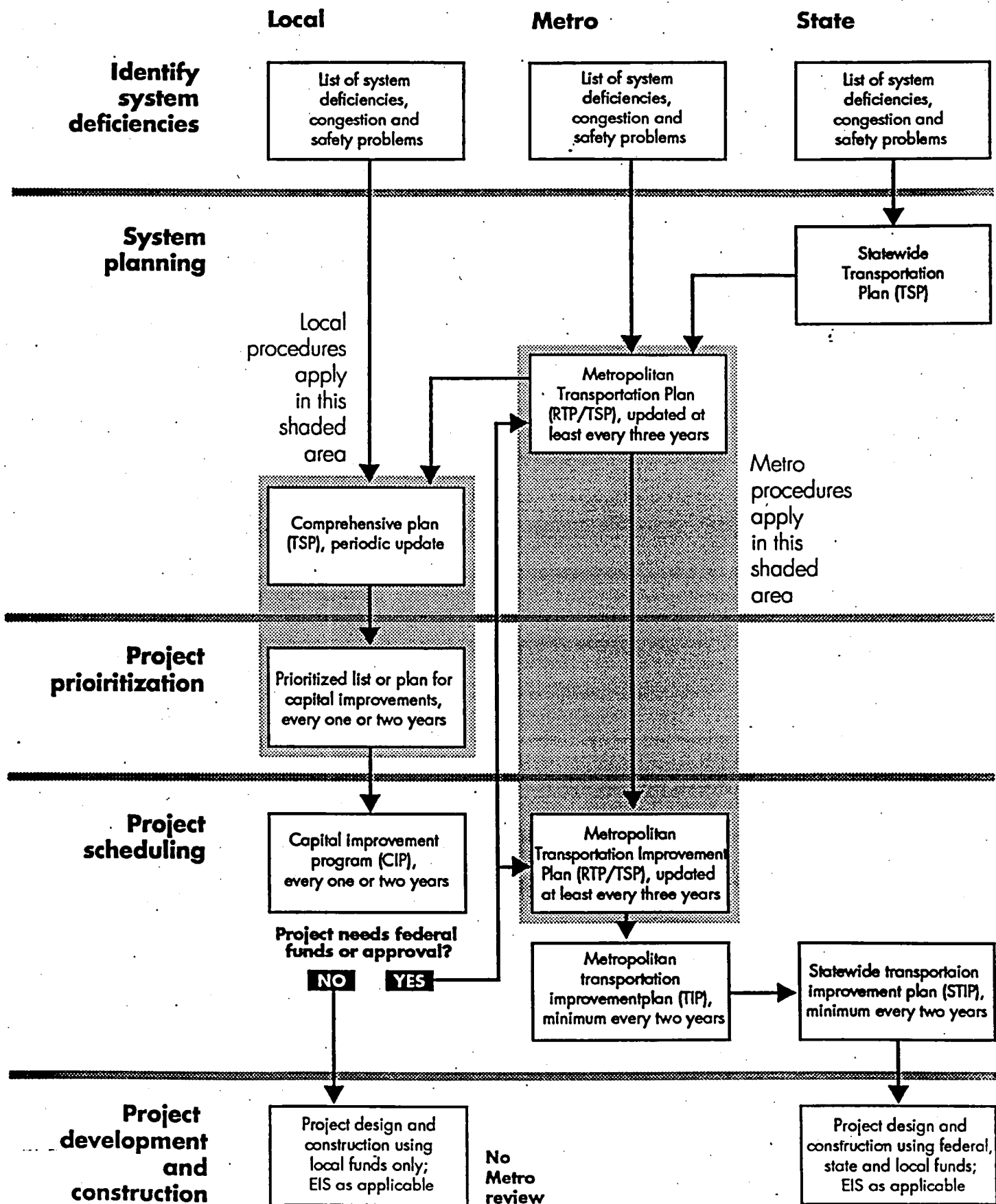
## Appendix F

### Figures



Figure 1

# Transportation Planning and Programming Process



No Metro review

196 203

198205

1. **Notify public that project has started – Metro staff**  
First opportunity to be added to mailing list – public
2. Develop work program – Metro staff  
Draft public involvement plan – Metro staff,  
review by Metro Committee for Citizen Involvement
3. **Initiate public involvement opportunities – Metro staff**
4. Sponsor scoping sessions to get initial public input – CAC and Metro staff
5. Refine work program – Metro staff  
Refine public involvement plan – Metro staff
6. Complete technical research and analysis according to work program – Metro staff
7. **Provide ongoing opportunities for public input and comment – Metro staff**
8. Prepare and publish draft recommendations – Metro staff
9. **Provide formal opportunities for public input and comment – Metro staff**  
Respond to public comments – Metro staff
10. Present draft recommendations and record of public comment and staff response to the Technical Policy Advisory Committee (TPAC)
11. **Review and publish revised draft**
12. **Provide on-going opportunities for public input and comment. Multiple meetings and revisions possible at this stage.**
13. Present revised recommendations and record of public comment and staff response to the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council
14. Update drafts based on JPACT and Metro Council review
15. **Hold public hearing. Provide 45-day notice for final Metro Council approval and adoption.**

Figure 2

## Metro Public Involvement Process

### Transportation Planning, Programming and Project Development

*Opportunity for public involvement is built into the project work program. (Public actions indicated in bold.)*



200 207

## Comment Summary and Response Draft Public Involvement Policies for Transportation Planning

### General Comments

1. Comment: The policies should address the length of product review periods and the linkage between length of notice, the review period and the nature of the decision (Washington Co.).

JPACT recommendation on Comment 1: Agree; an additional guideline to address product review issues should be added to the Metro Policy Section 3. D. Guidelines and the existing Guidelines number 7, 8, and 9 should be renumbered accordingly,

"7. Comment and Review Periods – Metro will provide adequate time for public review of draft documents or staff recommendations prior to opportunities for comment or testimony, such as public hearings. The length of comment and review periods will vary based on the nature of the plan or program and total amount of time available to complete the planning or programming process."

2. Comment: Local jurisdictions should be able to use locally adopted public involvement guidelines rather than developing new guidelines (Washington Co., ODOT, and City of Hillsboro).

JPACT recommendation on Comment 2: Disagree; Section 1 of the Local Public Involvement Policy recognizes that local jurisdictions have adopted public involvement procedures, in accordance with State Planning Goal 1: Citizen Involvement. However, the State Planning Goal is focused on the land use planning process, which includes local comprehensive plans and transportation system plans, but the prioritization and funding processes are not covered explicitly. Local public involvement processes may need to be modified to ensure that there are opportunities for public input throughout the planning and programming process.

### Comments on the Public Involvement Policy for Metro Transportation Planning

#### Scope of Policy

3. Comment: Appendix G does not contain the reference to exempt MTIP modifications as noted on page 8, 2nd paragraph (Washington Co.).

JPACT recommendation on Comment 3: Agree, the reference should be in Appendix F, but was inadvertently omitted, the last sentence on page 30 should be revised to read,

"[Note: 450.324(I) refers to smaller-scale projects that may be grouped in the TIP rather than identified individually.]"

4. Comment: Policy should include reference to 30 day public review period required by Oregon air quality conformity rule (DEQ).

JPACT recommendation on Comment 4: Agree; references to the public participation requirements of the Oregon air quality conformity rule should be added in the following places:

Section 2: Scope of Policy – The last sentence of the first paragraph should be amended to read, "This public involvement policy applies to all of Metro's transportation plans and programs and the air quality conformity determinations for those plans and programs."

Section 3. D. Guideline 7. Comment and Review Periods – An additional paragraph should be added to the end of this Guideline, “When making air quality conformity determinations for transportation plans and programs Metro will follow the public participation requirements in the State Conformity Rule 340-20-760 (4). Metro will make available to the public the draft conformity determination and all supporting documents 30 days prior to a final decision. Notification of the availability of the draft determination and all supporting documentation shall be given by prominent advertisement in the area affected. Written notification of the availability of the draft determination and all supporting documentation shall also be provided to any party requesting such notification. Comments submitted to Metro during the review period shall be made a part of the record of any final decision.”

## Guidelines

5. Comment: Suggest identifying cases in which community groups or public agencies are expected to perform a coordinating function for Unified Work Program activities (i) or (ii) in addition to providing their own input (Washington County).

JPACT recommendation on Comment 5: Agree; the need for coordinating activities by local jurisdictions, public agencies, or community groups should be specified in the public involvement structure/work program for each Metro plan, program, or project. The second sentence of the first paragraph in Section 3.C Structure/Work Program should be amended to read,

“The structure will specify the opportunities for public involvement, including the structure for participation by the general public (workshops, hearings), the need for local jurisdictions, public agencies, or community groups to provide a coordinating function (host meetings, provide information), and if appropriate the structure for participation by citizen advisory committees.”  
In addition, if any coordinating functions are needed they should be mentioned in the notice of initial public involvement activities. An additional sentence should be added to Section 3.D Guidelines, number 3. Content of Notifications as follows,

“The need for any coordinating functions by local jurisdictions, public agencies, or community groups, such as hosting meetings, or providing information.”

6. Comment: Suggest adding a timeline of Metro transportation decision making process to aid local jurisdictions in planning the necessary local public involvement activities (City of Oregon City).

JPACT recommendation on Comment 6: Disagree; this information is incorporated into Figure 1 in Appendix A. In addition, the Content of Notifications and Timeliness of Notifications guidelines in Section 3 both indicate that a schedule of major points in the decision making process should be included in notifications of initial public involvement activities and any subsequent notices.

## Review periods

7. Comment: There are no specific requirements for how much time is allowed for review or consideration of draft documents, to provide adequate time for local government coordination (through the County Coordinating Committee process which meets monthly) and review at the local level, a 45-day review period should be included in the policies (Washington Co.).

JPACT recommendation on Comment 7: Disagree; the length of product review time will vary based on the specific plan, program, or project being reviewed. An additional guideline has been added to address product review issues (see Comment 1).

## Notification Methods

8. Comment: Add reference to "availability of products to review" to first sentence in Section 2 (Washington Co.).

JPACT recommendation on Comment 8: Agree; revise as proposed.

### Content of notification

9. Comment: Change third item on page 15 from "Location(s) where information is available" to "What information will be considered or reviewed and how copies of it can be obtained."

10. Comment: Notifications of public involvement opportunities should include information about the nature of input opportunities (ODOT).

JPACT recommendation on Comment 10: Agree; the fourth sentence on page 15 should be amended to read,

"The comment period for written/oral comments and the nature of the comments (formal testimony or informal comments)."

### Form and Use of Comments

11. Comment: Language should be added that indicates whether Metro will treat individual input differently from comments received from representatives of interest groups, neighborhood associations, signed petitions, etc.

JPACT recommendation on Comment 11: Disagree; Guideline number 7 in Section 3.D indicates that Metro will seek out and consider input from a broad range of sources. Summaries of these comments will be forwarded to advisory committees and policy-makers considering the plans, programs and projects. The decision making bodies should to determine how to treat individual comments in relation to comments from groups, based on the nature of the comments and the issues being considered.

### Relation of this Policy to Local Public Involvement Processes

12. Comment: Many "local project issues" will not have been identified or dealt with at the local level with before projects are forwarded to Metro for funding or other action because they are associated with project development rather than programming or planning. The requirement in Section 4 for local jurisdictions to resolve local issues during the local planning and programming process, prior to the time projects are forwarded to Metro should be omitted (Washington Co.).

JPACT recommendation on Comment 12: Agree; the last sentence in the first paragraph of section 4 on page 16 should be amended as follows:

"Metro expects that local jurisdictions will resolve local planning and programming issues during local planning and programming processes, prior to the time projects are forwarded to Metro. Project development decisions, from the preliminary engineering (including the evaluation of alignment alternatives) through construction, are local project issues and are not covered by this policy."

### Compliance and dispute resolution

13. Comment: Compliance and dispute resolution, change last sentence on page 4, third paragraph, so it does not infer that Metro may directly undertake additional pi activities for local plans, programs and projects (Washington Co.)

JPACT recommendation on Comment 13: Agree; revise text as follows,

"If the spirit of the guidelines contained in this policy have not been met, an agency may be required to conduct additional public involvement activities to ensure there has been adequate public review."

### Effective Date

14. Comment: The document should clarify when the new procedures will be applicable and whether they will be applicable to projects, plans, or programs that are already underway, such as projects in the "Construction Section" or "Development Section" of the Metropolitan Transportation Improvement Program (ODOT)?

JPACT recommendation on Comment 14: Disagree; the policy will become effective upon adoption and will relate to any future actions on plans or programs. As projects move from the Development Section to the Construction Section of the Metropolitan Transportation Improvement Program (MTIP) a new MTIP action is required and the policy will apply. Section 5. C. Effective Date of Policy specifies that the current and upcoming plans and programs that will be required to comply with the policy.

### Corrections

15. Comment: The second paragraph of Section 4. Relation of this Policy to Local Public Involvement Processes should be the first paragraph of Section 5. Compliance (Metro).

JPACT recommendation on Comment 15: Agree; revise as proposed.

16. Comment: Page 9 makes reference to Figure 2, but Figure 2 is not labeled in the regional policy (Washington Co.).

JPACT recommendation on Comment 16: Agree; the second figure in Appendix A should be revised to include the label Figure 2.

### Comments on Local Public Involvement Policy

17. Comment: Clarify the local jurisdictions that are covered by the Local Policy, are Tri-Met and the Port of Portland expected to comply with policy (City of Portland)?

JPACT recommendation on Comment 17: Agree; the first paragraph of Section 1. Introduction should be revised to read,

"This document describes Metro's public involvement policy for local jurisdictions or other public agencies submitting projects to Metro for regional funding or other action. Public agencies expected to comply with the policy include but are not limited to state, regional, county, and city government agencies, as well as Tri-Met, and the Port of Portland. This policy provides local jurisdictions with flexibility in designing their public involvement programs and in selecting techniques for soliciting and considering public comment."

### Certification of Local Public Process

18. Comment: Clarify the mailing lists being referred to in Section 3.D. number 3 and the rationale for singling out mailing lists from the other types of documentation suggested by the Local Public Involvement Checklist in Appendix A (Washington Co.).

JPACT recommendation on Comment 18: Agree, revise Section 3.D. number 3 to read,

"Make available, if needed, mailing lists, used for local plan or program development, for use by Metro during its review of the local plan, program or project.

19. Comment: Clarify the rationale for singling out mailing lists in Section 3.D. number 3 from the other types of documentation suggested by the Local Public Involvement Checklist in Appendix A (Washington Co.).

JPACT recommendation on Comment 19: Local jurisdictions may be required, as a part of the certification of local process, to provide Metro with mailing lists used during local plan or program development. The mailing lists may be needed to resolve disputes related to agency compliance with Public Involvement Policy or for regional public involvement activities related to projects in local plans or programs.

20. Comment: Clarify the function of County Coordinating Committees in the public involvement process, can they be used to define the best mix of projects from local plans and programs that are submitted to Metro for regional funding or other action (Washington Co.).

JPACT recommendation on Comment 20: Agree; the County Coordinating Policy Committees can provide a good clearinghouse for prioritizing local projects, however the decision to forward a package of projects to Metro for regional funding or other action is a major decision point that requires involvement of the public. Staff suggests working with the counties to develop a process for this.

21. Comment: The public hearing requirement for projects forwarded to Metro that are not in a local plan or program should allow a member of the decision making body to convene a public hearing rather than requiring the entire decision making body to hold the hearing (City of Portland).

JPACT recommendation on Comment 21: Agree; the third sentence in the last paragraph related of Section 3. D. should be amended to read,

"The public hearing should be held by whatever council, commission or committee is making the decision or member(s) of the decision making body."

### **Dispute Resolution**

22. Comment: Clarify when disputes are expected to arise. Once plan or program has been certified by Metro as conforming with this policy it should not be continually exposed to disputes or challenges (Washington Co.).

JPACT recommendation on Comment 22: Agree; the appropriate time for disputes to arise would be in the public comment and review period leading up to a decision point. The first sentence of the second paragraph in Section 4. B. Dispute Resolution Process should be amended as follows,

"Questions of adequacy of compliance with this policy should be raised during the initial public review and comment period which occurs prior to public meetings, hearings, or major decision points and should first be addressed to Metro's planning director."

### **Effective Date of Policy**

23. Comment: What is the effect of the policy on projects submitted to Metro from current plans and programs that have not been developed under this policy? Can local plans/programs be retroactively demonstrated to be in compliance with these policies or grandfathered in? Suggest that local plans and programs be subject to the policy during their next update cycle (Washington Co.).

JPACT recommendation on Comment 23: Generally agree; the policy does not require that all plans and programs be immediately brought into compliance. Local plans/programs can be retroactively

demonstrated to be in compliance with the policy by using the Local Public Involvement Checklist in Appendix A and requesting certification of compliance by Metro. However, additional public involvement activities may be necessary to reaffirm the choices that were made when the plan or program was initially developed. Plans and programs that are being developed at the time the policy is adopted must comply with the policy. The following should be added to the end of Section 4. C. Effective Date of Policy,

“Local Transportation System Plans currently being developed regionwide will be subject to these policies, as will projects submitted to Metro in the next funding cycle. Existing plans, programs, and projects can be demonstrated to be compliance by requesting certification of compliance by Metro. However, additional public involvement activities may be necessary based on the amount of time that has lapsed since public involvement was conducted for the plan, program or project.”

## Corrections

24. Comment: Section headings and some text on pages 6, 7, 8 and 9 appear to be out of order (Washington Co.)

JPACT recommendation on Comment 24: Agree; the first paragraph of Section 3. Public Involvement Procedures should be moved to the end of Section 2. Scope of Policy. The headings for Section 2 and Section 3 on pages 8 and 9 respectively should be deleted.

## STAFF REPORT

### CONSIDERATION OF RESOLUTION NO. 95-2174A FOR THE PURPOSE OF ADOPTING PUBLIC INVOLVEMENT POLICIES FOR REGIONAL TRANSPORTATION PLANNING AND FOR LOCAL JURISDICTIONS SUBMITTING PROJECTS TO METRO FOR RTP AND MTIP CONSIDERATION

Date: June 19, 1995

Presented by: Andrew Cotugno

#### PROPOSED ACTION

Adoption of this resolution would adopt the Public Involvement Policy for Regional Transportation Planning and the Local Public Involvement Policy for local jurisdictions submitting projects to Metro for inclusion in the Regional Transportation Plan (RTP) or the Metropolitan Transportation Improvement Program (MTIP). The policies are intended to support and encourage broad-based public participation in the development and review of Metro's transportation plans, programs and projects. The goal of Metro's public involvement policies is to seek out and provide for early and continuing public participation throughout the transportation planning and programming process in the Metro region. The policies establish consistent minimum procedures to accomplish this goal; procedures beyond these minimums may be applied as warranted and are encouraged.

#### TPAC RECOMMENDATION

TPAC reviewed the Staff Report/Resolution and comment summary and response with the following comments:

- The Metro policy should include a specific reference to State of Oregon Conformity Rule public participation requirements. New language is recommended in Exhibit C -- Comment Summary and Response, Comment No. 4.
- A cover memo which indicates clearly, using examples, what local government activities the policy applies to should be developed.
- Language should be developed and added to the Effective Date of Policy which indicates that the period of time between adopting the public involvement policies and the adoption of the RTP update should be used as a trial period to test the policies for workability. Any needed amendments or changes should be made when the RTP update is adopted in 1996.

#### JPACT RECOMMENDATION

JPACT adopted the Resolution at their July 13 meeting with the following change to Exhibit C:

"Metro expects that local jurisdictions will resolve local planning and programming issues during local planning and programming processes, prior to the time projects are



forwarded to Metro. Project development decisions, from preliminary engineering (including the evaluation of alignment alternatives) through construction, are local project issues and not covered by this policy."

## FACTUAL BACKGROUND AND ANALYSIS

### **Development of Policies**

Metro's public involvement policies for regional transportation planning, programming and project development activities were developed in response to strong interest in the region and to comply with the federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and recent state mandates. The policies were developed by the Metro Public Involvement Subcommittee, a special ad hoc working group consisting of members of the Metro Committee for Citizen Involvement (MCCI), the Transportation Policy Alternatives Committee (TPAC) and Metro staff. The subcommittee began meeting in December of 1993 and incorporated input from public involvement and planning professionals and citizens in the region into the development of the policies.

### **Federal Requirements**

ISTEA requires urban areas, through a Metropolitan Planning Organization (MPO), to develop and implement a continuing, cooperative and comprehensive transportation planning process. As the designated MPO for the Portland metropolitan area, Metro is responsible for the transportation planning process, including the development of metropolitan plans and programs, studies of major transportation investments, and management systems, among others. ISTEA also requires MPOs to develop a public involvement process and to incorporate this process into the overall transportation planning process. The public involvement process should be proactive and should provide "complete information, timely public notice, full access to key decisions and support early and continuing involvement of the public in developing plans and programs."

In developing the new procedures, the ad hoc group identified a need to create distinct procedures for Metro planning activities and for local activities which result in regional action by JPACT and/or Metro Council. Exhibits A and B are the two procedure documents and are attached as part of the resolution. The following outlines the two procedures:

### **Public Involvement Policy for Metro's Transportation Planning and Programming**

#### **Scope of Policy**

The Public Involvement Policy for Transportation Planning is intended to focus on Metro's major actions and decisions. Metro develops and adopts the RTP, the MTIP, and other regional transportation plans and programs. If a proposed action or decision is clearly a normal course-of-business activity that

does not significantly affect the public or alter public policy, it may not be necessary to apply these procedures.

The public involvement policy details the public participation procedures and guidelines that Metro is expected to follow. These procedures ensure that public involvement efforts are proactive and provide for active participation by the region's citizens and interest groups in the development of regional transportation plans, programs and major projects.

A detailed public involvement work plan consistent with Metro's public involvement goals and objectives will be developed for each plan, program or project. These specific work plans will specify the opportunities for involvement, key decision points, and what measures will be used to seek out and consider the participation of groups that have been historically underserved by the transportation system, such as low income, minority and senior citizens.

#### Policy Objectives

1. Establish a general public involvement plan and clear timeline of decision points early in the transportation planning and funding process.
2. Involve those traditionally underserved by the existing system and consider their transportation needs. The traditionally underserved population includes, but is not limited to, minority and low-income households. Persons who are unable to own and/or operate a private automobile, such as youth, the elderly, and the disabled, may also be included in this category.
3. Remove barriers to public participation by those traditionally underrepresented in the transportation planning process.
4. Provide information on regional transportation planning and funding activities in a timely manner to interested parties.
5. Periodically review and update the public involvement process to reflect feedback from participants.
6. Provide opportunities for the public to supply input. Create a record of public comment received and agency response regarding draft transportation plans and programs at the regional level.
7. Provide additional opportunities for public comment if there are significant differences between the draft and final plans.
8. Provide updated summaries of public comment at key decision points.
9. Allow for local governing body input and recommendations into the regional transportation planning process.

10. Ensure that development of local transportation plans and programs was conducted according to Metro guidelines for local public involvement.

## **Local Public Involvement Policy for Transportation Planning**

### **Scope of Policy**

The Local Public Involvement Policy applies to locally adopted transportation plans and programs where local jurisdictions have lead agency authority, from which transportation projects are drawn and submitted to Metro for regional funding or other action. The policy seeks to ensure the integrity of local decisions regarding projects (from local plans and programs). Discussion and review of local projects for possible inclusion in Metro's plans and programs will focus on regional issues only. Metro expects that local jurisdictions will resolve local issues during local planning and programming prior to the time projects are forwarded to Metro.

This policy does not apply to local transportation projects on an individual basis or to local project development actions, but rather focuses on the local plans and programs that prioritize projects which are defined as regionally significant for planning and programming purposes. However, if a local jurisdiction forwards a project to Metro that is not in its locally adopted plan and program, the local jurisdiction must, at a minimum, hold a public hearing prior to making the decision to forward the project.

Metro understands that local jurisdictions have adopted public involvement programs in accordance with State Planning Goal 1: Citizen Involvement. Metro encourages and expects local jurisdictions to use their adopted programs to develop and adopt transportation plans and programs, but the public involvement efforts for these decisions must also meet the minimum standards outlined in this policy which are intended to comply with federal requirements.

### **Policy Goals**

Involve local citizens, public officials and other local interests in the transportation planning and programming process and in forwarding projects for consideration for regional transportation plans and programs.

### **Policy Objectives**

1. Provide Metro with assurance that development of local transportation plans and programs is conducted according to Metro's guidelines for local public involvement.
2. Provide a local role in the establishment of regional citizen advisory committees formed as a part of Metro's transportation planning, programming and project development process.

3. Allow for local governing body input and recommendations into the regional transportation planning process.
4. Provide an avenue for participants in the local transportation planning process to become involved in regional transportation planning, programming and project development efforts.

### **Public Participation**

The policies were developed with input from Metro's regional partners and citizens in the region. Initial drafts of the policies were distributed for review to local jurisdictions. The County Coordinating Committees were briefed on the policies in July of 1994 and were provided with an opportunity to comment on the draft policies. A fact sheet summarizing the policies and noticing the opportunity for review of and comment on the draft policies was distributed at the Metro Transportation Fair in January of 1995 and at Priorities '95 public meetings held in April. Final drafts of the policies were released for a 45-day public review and comment period in April. A notice of the availability of the draft policies and the 45-day comment period was widely distributed through mailings and a notice in MCCI's Community News Release.

### **EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends adoption of Resolution No. 95-2174A.

PP:lnk  
95-2174A.RES  
7-19-95



**AGENDA ITEM 7.5**  
**Meeting Date: July 27, 1995**

**Resolution No. 95-2176A**

**Resolution No. 95-2176A, For the Purpose of Amending the FY 95  
Transportation Improvement Program to Allocate \$27 Million of Region 2040  
Implementation Funds.**

**Note: Documents too lengthy to reproduce, but included in the permanent record are on file in the office of the Assistant to the Presiding Officer at this time. These documents cover public testimony and short list technical rankings and assessment of administrative criteria dated June 28, 1995. Anyone interested in seeing the above mentioned material may do so by contacting Cathy Ross, Assistant to the Presiding Officer at 503-797-1542.**



## TRANSPORTATION PLANNING COMMITTEE REPORT

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RESOLUTION NO. 95-2176A, AMENDING THE FY 95 TRANSPORTATION IMPROVEMENT PROGRAM TO ALLOCATE \$27 MILLION OF REGION 2040 IMPLEMENTATION FUNDS

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Date: July 19, 1995

Presented by: Councilor Kvistad

**COMMITTEE RECOMMENDATION:** At its July 18, 1995 meeting the Transportation Planning Committee voted 2-1 to recommend Council return Resolution No. 95-2176A to JPACT, to amend JPACT's recommendations on expenditure of the \$27 million regional reserve by adding \$4 million to the TOD Revolving Fund. Councilors Kvistad and Washington voted in favor; Councilor Monroe voted in opposition and served notice of his intention to file a minority report.

**COMMITTEE DISCUSSION/ISSUES:** Transportation Planning Department Director Andy Cotugno presented the staff report and JPACT recommendation. He summarized activities undertaken to get to a recommendation on how to spend the \$27 million regional reserve. Mr. Cotugno said JPACT authorized the City of Gresham and the Port of Portland to request that allocations for the Springwater Corridor and Columbia Blvd. improvements, respectively, be transferred to other projects (Civic Neighborhood LRT Station in Gresham, and Lombard Street overcrossing). Council Analyst Casey Short said the City of Gresham had sent a letter saying they did not choose to change the allocation, and the Port had given an oral message to Council staff that they did wish to change the allocation. Chair Monroe said that change for the Port should only be made upon receipt of a written communication, and directed Mr. Short to request such written communication from the Port. (Note: Such a letter has been received, on July 19, and will be included in the Council's agenda packet.)

Mr. Cotugno said JPACT added an item under "Be It Resolved," that Metro and JPACT support Light Rail Station projects in Gresham and Hillsboro, and encourage that funding be found for these projects. Mr. Short pointed out that the resolution referred to the Beaverton Creek Transit Oriented Development (TOD) project rather than the Hillsboro project, and the committee agreed to amend the resolution to correct this error.

Councilor Kvistad said he has discussed this resolution with representatives of 1000 Friends and the Bike & Pedestrian Coalition, who agreed with him that \$3 million is not enough to fund Metro's TOD Revolving Fund. He said he could not support the resolution without additional money for this Fund. He proposed deleting the \$5 million allocation for Sunnyside Road widening and move two projects in its place: Johnson Creek Blvd. project (\$568,000 for Clackamas County's share); and Kruse Way reconstruction (\$1.2 million). This would produce a net savings of \$3,232,000. He said he understood the need for Sunnyside Road improvements, but felt it is more important to fully fund the TOD



program now rather than do a road project. Councilor Kvistad then proposed deleting the \$2,369,000 Front Avenue Reconstruction/Bike Lane project in the City of Portland, and add in its place the \$1.56 million Hawthorne Bridge Bike Lanes project. This would produce a savings of \$809,000. The grand total of savings would come to \$4,041,000, which he proposed be dedicated to the TOD Fund. Councilor Kvistad moved the above changes, adding that it would be his intention to support funding the Sunnyside Road and Front Avenue projects in the next round of the Transportation Improvement Program (TIP).

Mr. Cotugno said there was another piece of the Johnson Creek Blvd. project listed under the City of Portland, for \$265,000, which should be included with the Clackamas County part of that project. Councilor Kvistad amended his motion to include that \$265,000 for Johnson Creek Blvd., reducing the additional amount for the TOD Fund to \$3,776,000.

Councilor Washington asked what would happen if this amendment were approved. Following some discussion, it was concluded that the resolution would be forwarded to Council, either with amendments or as recommended by JPACT. Council would then decide whether to accept the resolution as recommended by JPACT or return the resolution to JPACT with Council's recommended changes.

Councilor Kvistad spoke in favor of his motion. He said this is a critical time to put money into Transit Oriented Development; land around transit stations is going away fast. He said this is the only opportunity to put money into TOD's, and \$3 million is not enough for the revolving fund. He said fully funding the TOD fund would require six to seven million dollars. He said that he identified the Sunnyside Road project for reduction because others funds are being earmarked for transportation projects in Clackamas County, citing funds committed to Highway 43 improvements and the Johnson Creek Blvd. and Kruse Way projects. Regarding Front Avenue, he said it's a repaving project more than a bike project. He noted the Hawthorne bike lanes ranked higher and could be done in conjunction with the Hawthorne Bridge reconstruction.

Councilor Monroe spoke in opposition to the motion. While he agreed that \$3 million is not enough for the TOD fund, he said that there was consensus among Clackamas County elected officials that the Sunnyside Road project was critical and is their highest priority. He added that this stance was supported by public testimony. He discussed the process that had been followed to reach the recommendation from JPACT, and noted that three Metro Councilors had voted in favor of the recommendation at the July 13 JPACT meeting. He said this decision has to be a balancing act, and that he was reluctant to substitute his individual wisdom for the collective wisdom of the Planning staff, TPAC, and JPACT.

Councilor Washington asked if there was a way to get the issues before Council without approving the amendments. Councilor Monroe said yes, that Councilor Kvistad could introduce the amendments to

the full Council. The Committee discussed whether to send the resolution to the Council with no recommendation. Councilor Kvistad said it is important to send a message that the TOD program is important, and that recommending the additional funds would clearly send that message to the Council; he added that he wants to have a full discussion of the issues before the full Council. Councilor Monroe said he expects the issues will be discussed at Council regardless of what the committee decides. Councilor Washington said he wants to make sure the issues are discussed at Council, and that there be concurrence among a majority of Councilors on the issues. He said he didn't know why there had to be an amendment in committee if the issues would be discussed at Council. He asked Councilor Kvistad if he could support sending the resolution to Council with a recommendation that the TOD funding be increased to \$7 million, but without identifying specific cuts in other projects. Councilor Kvistad said he didn't want to re-open the whole list, preferring to identify specific cuts. Councilor Washington said he didn't want the committee to send a message that it was cutting funding to specific jurisdictions.

The committee voted 2-1 against the motion, with Councilors Monroe and Washington in opposition, and Councilor Kvistad in favor.

Councilor Kvistad moved to increase the funding for the Metro TOD Revolving Fund from \$3 million to \$7 million. Upon request from Councilor Washington, the motion was amended to add that the necessary \$4 million in cuts would be identified by the Council. Councilor Kvistad said he would provide a list of recommended cuts to the Council.

Executive Officer Mike Burton discussed the role of JPACT, clarifying that JPACT and the Council must concur in this matter. He said there has been much work on this resolution among the jurisdictions, with a balance being reached on the regional distribution of these funds.

Councilor Washington asked how he could be assured that Councilors would have the opportunity to propose changes to the package when the resolution comes to Council. Councilor McFarland said that any Councilor may propose amendments at the Council meeting. Councilor Washington said he would support the motion, so any Councilor can give any input he or she wishes. He said his purpose is to get the issue to Council to see if there's discussion from members of the Council.

Councilor Kvistad closed by saying that \$27 million is the least money available for the TIP since he's been on the Council, and he wants to use that small amount of money to its maximum advantage. He said supporting the innovative TOD program was the best way to do that.

The committee voted 2-1 for the motion, with Councilors Kvistad and Washington in favor, and Councilor Monroe in opposition.

Chair Monroe opened a public hearing, and one person testified. Mr. Jim Worthington, 3232 SE 153rd, Portland, 97236, asked for clarification on the TOD program and individual TOD projects. He also asked for clarification on projects proposed as studies. Mr. Cotugno explained those projects.

Following the vote, Councilor Monroe stated his intention to file a minority report, which will propose Council approval of the resolution as recommended by JPACT.

BEFORE THE METRO COUNCIL

|                                    |                         |
|------------------------------------|-------------------------|
| FOR THE PURPOSE OF AMENDING )      | RESOLUTION NO. 95-2176A |
| THE FY 95 TRANSPORTATION )         |                         |
| IMPROVEMENT PROGRAM TO ALLOCATE) ) | Introduced by           |
| \$27 MILLION OF REGION 2040 )      | Rod Monroe, Chair       |
| IMPLEMENTATION FUNDS )             | JPACT                   |

WHEREAS, Metro and ODOT jointly agreed to creation of a \$27.19 million Region 2040 and Alternative Mode Reserve account during the last update of the Metro and ODOT Transportation Improvement Programs (MTIP and STIP) funded with both regional and state STP reserve funds; and

WHEREAS, Metro and ODOT have identified \$4.2 million of miscellaneous additional transportation funds, including some program funds never allocated to specific projects and some project funds never obligated; and

WHEREAS, Metro solicited its regional partners for bicycle, pedestrian, freight, transit, road expansion and preservation, transportation demand management, and transit-oriented development project nominations selected from previously approved local plans and programs that reflect support of the Region 2040 land use goals and objectives approved by Metro Council in December 1994; and

WHEREAS, Approximately \$150 million of such project nominations were received; and

WHEREAS, Metro staff applied technical and administrative multi-modal ranking criteria to prioritize these nominated projects; and

WHEREAS, Metro sponsored a Transportation Fair in January, four public meetings held throughout the region in April, and public hearings in May and June; and has held numerous advertised

meetings of TPAC, JPACT and the Metro Council in between during which these funds, the project nominations and the ranking process have been discussed and been the subject of public testimony;

WHEREAS, The Metro Council and JPACT previously allocated \$1.026 million to various planning activities, \$3.2 million for Highway 43 "MACS" projects, and identified a \$53 million "short list" of projects for further consideration; and

WHEREAS, An approximate \$27 million list was developed from the short list based on technical and administrative considerations and on JPACT/Metro Council direction to provide modal and geographic balance to the degree possible; now, therefore,

BE IT RESOLVED:

1. That the FY 1995 Metro TIP adopted by Resolution No. 94-1964 be amended to allocate \$27.224 million to the list of projects identified as "recommended" in Exhibit A.

2. That this and other amendments to the FY 95 MTIP be consolidated into an FY 96 MTIP.

3. That final approval of the recommended projects is contingent upon a determination of conformity consistent with federal and state air quality regulations.

4. That Metro Council and JPACT endorse the Civic Neighborhood LRT Station and the Hillsboro Ground Level Retail project ~~Beaverton Creek TOD~~ as important projects and agree that efforts to identify future funding sources should be made.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
J. Ruth McFarland, Presiding Officer

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 95-2176A FOR THE PURPOSE OF  
AMENDING THE FY 95 TRANSPORTATION IMPROVEMENT PROGRAM TO  
ALLOCATE \$27 MILLION OF REGION 2040 IMPLEMENTATION FUNDS

Date: June 22, 1995

Presented by: Andrew Cotugno

PROPOSED ACTION

Adoption of the Metro/ODOT staff recommendation shown in Exhibit A of the resolution would result in amendment of the FY 1995 Metro TIP to allocate \$27,201,000 of State and Regional STP funds to fund projects selected from the 2040 Implementation Program process. This would allocate all currently projected federal funding to specific projects and programs. Funding for additional projects would not be available until the region makes a determination of new federal funding that may be considered reasonably available in FY 98 and beyond. This amendment and other recent TIP actions will be consolidated into an updated FY 96 MTIP later this year.

Alternatives to the TPAC recommendation that JPACT reviewed included the following:

1. If alternative projects are considered for funding, it is recommended that those identified as "Next Priority" be the focus of attention.
2. Funding could be traded from two fully-funded recommended projects for partial funding of two "Next Priority" projects:
  - a. \$250,000 NE Columbia Boulevard Improvements to N. Lombard Railroad overcrossing (PE); and
  - b. \$205,000 from Springwater Corridor Access to Gresham Civic Neighborhood LRT Station (PE) because funding of the LRT station would secure the dual regional objective of Tri-Met funding for the Millikan Way station area project in Washington County.
3. Establish the key objective of the TOD Revolving Fund to be the revolving character of potential projects. Thus loans could be provided for capital improvements or land acquisition and subsequent resale and development.

JPACT approved the Resolution with a provision that allowed the Port of Portland the opportunity to make the NE Columbia Boulevard to N. Lombard trade (as described in 2a above) and allowed Gresham to make the Springwater to Civic Neighborhood LRT Station trade (as described in 2b above). Any such trades must be recommended for consideration before the July 18 Metro Transportation Planning Committee.

FACTUAL BACKGROUND AND ANALYSIS

In January of this year, Metro initiated the \$27.19 million Region 2040 Implementation program project selection process. The highlights of the selection process to date are summarized in Attachment 1. Briefly, Metro spent several months developing and adopting a set of multi-modal technical and administrative project selection criteria. The intent of the criteria was to select transportation projects which would support implementation of the 2040 Growth Concept approved by the Metro Council last December. Metro then solicited project nominations from its regional partners and also directly nominated a number of projects. This solicitation resulted in an initial project list of approximately \$150 million.

In May, the Metro Joint Policy Advisory Committee on Transportation (JPACT) and Metro Council approved allocation of \$1.029 million of the funds to support Metro's FY 95-96 planning needs (Metro Resolution No. 95-2139A). This resolution also agreed upon a "short list" of approximately \$52 million of projects and directed staff to further evaluate this list to develop a recommendation within the available funds. The residual STP funds (\$26.17 million) and approximately \$1.12 million of old FAU and CMAQ funds left a balance of \$27.201 million available for projects.

The Metro Transportation Policy Alternatives Committee (TPAC) met throughout June to comply with JPACT's direction. On June 16, TPAC approved a staff-recommended formula for determining both jurisdictional funding targets -- which assure geographic equity of funding allocations -- and a regional funding target -- which assures implementation of projects of high regional benefit despite geographic considerations. These targets were approved by TPAC as a guide to staff and are not intended to limit the discretion of JPACT or the Metro Council. The recommended targets are as follows:

| Jurisdiction                 | Range Considered (millions) |
|------------------------------|-----------------------------|
| Clackamas County . . . . .   | \$4.057 - \$ 5.569          |
| City of Portland . . . . .   | \$4.375 - \$ 5.489          |
| E. Multnomah County. . . . . | \$2.307 - \$ 2.625          |
| Washington County. . . . .   | \$3.739 - \$ 4.296          |
| Regional . . . . .           | \$11.000 - \$11.600         |

In essence, the formula recognizes that the total amount of currently available funds is composed of four different types of funds. Approximately \$10 million is Regional STP funds. These funds have in the past been allocated on a 75/25 percent local/regional basis. Approximately \$16 million of the funds are State STP dollars for which there has never been an agreed distribution formula. TPAC approved allocation of these funds on a 50/50 basis. Approximately \$207,000 of residual CMAQ funds are included. These funds have historically been allocated on a 100

percent regional basis. Finally, a previous allocation of \$833,000 of old FAU funds has never been obligated. They were originally allocated as a regional priority. The regional target range of \$11.0-11.6 million is reflective of this resource being treated as either a 100 percent regional fund or on a 75/25 basis.

The approved formula splits the available funds along the percentages described above. Incorporation of the \$833,000 of old FAU funds creates two outcomes depending on whether the funds are treated as 100 percent or only 25 percent regional. This difference creates a range of \$11.0-11.6 million available for regional priority projects and a range of \$15.6-16.2 million available for allocation to the jurisdictions.

The split of the regional share between jurisdictions is determined by allocation of 50 percent of the funds according to each jurisdiction's proportion of population and employment and 50 percent according to the proportion of regional lane miles of collectors and arterials occurring within each jurisdiction. To provide a range within otherwise hard funding targets, the demographic and road data were calculated for 1990 and 2040. Finally, the difference between the presence and absence of the old FAU funds is averaged to produce the single set of recommended targets. The ranges thus represent a floor and a ceiling for each jurisdiction. At the same time though, not all jurisdictions can receive their "ceiling" since this would exceed the total funds available.

TPAC also provided guidance to staff regarding modal targets. (See Attachment 2 for a modally-based breakdown of the staff recommendation.) Per the direction contained in prior resolutions creating the 2040 Implementation Reserve, alternative modes are to receive no less than \$7.19 million of the full account. Additionally, only alternative modes are eligible to receive the \$207,000 of residual CMAQ funds. Eligible projects include bicycle and pedestrian construction projects, transit-oriented development projects and programs, up to \$1 million of intermodal projects (excluding CMAQ funds) and transportation system management projects. Additionally, TPAC directed that transit projects are eligible to compete for the balance of the \$27 million allocation (including the CMAQ funds). Finally, all modes must receive some funding. (See Attachment 3 for an analysis of past funding allocations by fund type, mode and jurisdiction.)

Upon approval of these regional and geographic targets, Metro and ODOT staff met with representatives of each jurisdiction to ascertain project priorities. Metro and ODOT staff then developed this final recommendation within the total of funds available.

#### TPAC ACTION

As described above, TPAC approved a set of alternatives to the staff recommendation for JPACT consideration. Additionally, TPAC considered and defeated a motion (5-6) to transfer the Gresham



Civic Neighborhood LRT Station project to the Regional project list.

JPACT ACTION

JPACT approved the Resolution with the provision allowing the Port of Portland and Gresham to "trade" project allocations by the Metro Council Transportation Planning Committee meeting of July 18. JPACT also endorsed pursuing other funds for the Hillsboro Ground Level Retail and Gresham LRT Station projects.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 95-2176A.

ACC:TW:lmk  
95-2176  
7-14-95



# Port of Portland

Box 3529, Portland, Oregon 97208  
503/231-5000

July 19, 1995

Rod Monroe  
Metro Council  
600 NE Grand Avenue  
Portland, OR 97232-2736

## REGION 2040 IMPLEMENTATION PROGRAM - \$27 MILLION ALLOCATION

Dear Councilor <sup>Rod</sup> Monroe:

As you know, the Port requested at JPACT last week that the City of Portland and the Port be allowed to review the relative merits of two projects on the \$27 million allocation list, and possibly request a realignment of funds between the two. The City and the Port have decided to request that the Northeast Columbia Boulevard Improvements project be replaced on the Recommended Projects list by the North Lombard Railroad Overcrossing project.

This was a very difficult decision because both projects are very important to regional freight mobility. It is unfortunate that both could not be funded. Since that does not seem to be possible, we believe that initiating the overpass project will have the greatest long term benefit for the region. This change will enable us to begin this important project in conjunction with the Columbia/Burgard Intersection project. The two projects are closely linked, and it is important to do the environmental and initial design work on the overpass at the same time as the intersection, even though it will not be possible to do full preliminary engineering as originally envisioned. From a timing standpoint, it is also critical to initiate the design work on this project now so that the construction project may be more readily funded from some future source, such as the proposed Arterial Program. This overpass will be needed soon, and at that time it will need to proceed in a very expeditious manner.

Thank you for considering this request. If you or any of the Metro councilors have questions about this or other projects, please give me a call.

Sincerely,

David Lohman  
Director, Policy and Planning

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**CITY OF GRESHAM**

Community Development Department  
1333 N.W. Eastman Parkway  
Gresham, OR 97030-3813  
(503) 661-3000  
FAX (503) 669-7446

**Date:** July 18, 1995

**To:** Casey Short, METRO Council Analyst

**From:** Richard Ross, Transportation Planning Manager

**RE:** Potential Switch of 2040 Implementation Funds  
Resolution 95-2176

In response to the JPACT recommendation on Resolution 95-2176, the City of Gresham wants to move forward with the S.W. 190th Springwater Access project. This project will provide needed bike lanes and sidewalks on 190th (Highland Dr. to Powell), the primary access to the trail for cyclists and pedestrians in most of S.W. Gresham.

Tri-Met's concurrent amendment to the FY 95 METRO TIP (Resolution 95-2183) indicates that Tri-Met is budgeting preliminary engineering work for the Civic Neighborhood Station. This will assure that station plans are ready to go as construction funding is committed.

We appreciate the region's intent to provide funds for the Civic Neighborhood LRT Station by additional efforts, and we intend to pursue those efforts with the region in the immediate future.

**CC:** Mayor Gussie Mc Robert  
Councilor Claudiette LaVert  
Max Talbot, Community Development Director  
Jane Leeson, Community Involvement Coordinator

**FY 1996 Metropolitan Transportation Improvement Program  
\$27 Million Regional Reserve – Region 2040 Implementation Fund**

**Process Chronology**

**November of 1994**

- local jurisdictions informed of spring allocation of \$27 million MTIP regional reserve for 2040 implementation

**January of 1995**

- January 28 – Transportation Fair held
  - public informed about the FY '96 MTIP and asked to comment on proposed ranking criteria and to provide ideas for projects
  - projects ideas provided by the public are passed on to local jurisdictions

**February of 1995**

- February 17 – formal solicitation notice sent to local jurisdictions, with projects due March 16

**March of 1995**

- March 9 – JPACT approves technical and administrative criteria and extends local jurisdiction project submittal deadline to March 20
- March 20 – projects due, projects totaling more than \$146 million are submitted to Metro

**April of 1995**

- April 13 – JPACT briefed on solicitation results and preliminary results of technical analysis
- April 17, 18, and 19 – Priorities '95 meetings are held throughout region to receive comment on MTIP projects and their initial ranking
- April 28 – TPAC recommends short list of projects totaling \$ 53 million

**May of 1995**

- May 4 – Public Hearing before Metro Council
- May 18 – JPACT adopts short list of projects
- May 25 – Metro Council adopts short list of projects

| REGION 2040 IMPLEMENTATION PROGRAM                  |               |              |              |               |                 |  |
|---|---------------|--------------|--------------|---------------|-----------------|--|
| Recommended Allocation By Mode                      |               |              |              |               |                 |  |
| Mode  | Request       | Recommended  | Jurisdiction | Category Rank | Technical Score |  |
| <b>Studies</b>                                      |               |              |              |               |                 |  |
| <b>Recommended Projects</b>                         |               |              |              |               |                 |  |
| Metro Planning                                      | 0.525         | 0.525        | Metro        | n/a           | n/a             |  |
| Commodity Flow Analysis                             | 0.225         | 0.225        | Metro/Port   | n/a           | n/a             |  |
| Technical Assistance                                | 0.075         | 0.075        | Metro        | n/a           | n/a             |  |
| I-5/217/Kruse Way Study                             | 0.06          | 0.02         | ODOT         | n/a           | n/a             |  |
| <b>Total</b>  | <b>0.885</b>  | <b>0.845</b> |              |               |                 |  |
| <b>Not Recommended</b>                              |               |              |              |               |                 |  |
| Westside Station Area Planning                      | 0.209         | 0.000        | Metro        | NA            | NA              |  |
| Clackamette Cove Study                              | 0.060         | 0.000        | Clack. Co.   | NA            | NA              |  |
| Cornelius/TV Hwy. Study                             | 0.060         | 0.000        | Wash Co.     | NA            | NA              |  |
| <b>Total</b>  | <b>0.329</b>  | <b>0.000</b> |              |               |                 |  |
| <b>Transit Oriented Development</b>                 |               |              |              |               |                 |  |
| <b>Recommended Projects</b>                         |               |              |              |               |                 |  |
| Metro TOD Revolving Fund                            | 4.500         | 3.000        | Metro        | 1/7           | 88              |  |
| Lovejoy Ramp Replacement (PE)                       | 1.054         | 1.054        | Portland     | 2/7           | 85              |  |
| Civic Neighborhood North/South Collector            | 1.844         | 1.844        | Gresham      | 3/7           | 68              |  |
| Mill Street/Henry Avenue Improvements (PE & ROW)    | 1.741         | 0.810        | Beaverton    | 4/7           | 68              |  |
| <b>Total</b>  | <b>9.139</b>  | <b>6.708</b> |              |               |                 |  |
| <b>Next Priority</b>                                |               |              |              |               |                 |  |
| Broadway/Weidler Transit Oriented Development       | 2.500         | 0.000        | Portland     | 6/7           | 56              |  |
| Hillsboro Garage Ground Floor Retail                | 1.000         | 0.000        | Wash. Co.    | 7/7           | 43              |  |
| <b>Total</b>  | <b>3.500</b>  | <b>0.000</b> |              |               |                 |  |
| <b>Other Short List Not Recc.</b>                   |               |              |              |               |                 |  |
| Beaverton Creek TOD                                 | 2.221         | 0.000        | Wash Co.     | 5/7           | 63              |  |
| <b>Total</b>  | <b>2.221</b>  | <b>0.000</b> |              |               |                 |  |
| <b>Transit</b>                                      |               |              |              |               |                 |  |
| <b>Recommended Projects</b>                         |               |              |              |               |                 |  |
| Tri-Met Transit Task Force                          | 0.320         | 0.320        | Tri-Met      | NA            | NA              |  |
| <b>Total</b>  | <b>0.320</b>  | <b>0.320</b> |              |               |                 |  |
| <b>Next Priority</b>                                |               |              |              |               |                 |  |
| Civic Neighborhood LRT Station                      | 1.350         | 0.000        | Tri-Met      | 1/1           | 100             |  |
| <b>Total</b>  | <b>1.350</b>  | <b>0.000</b> |              |               |                 |  |
| <b>Road Reconstruction</b>                          |               |              |              |               |                 |  |
| <b>Recommended Projects</b>                         |               |              |              |               |                 |  |
| Front Avenue Reconstruction/Bike Lane               | 2.369         | 2.369        | Portland     | 1/3           | 85              |  |
| Hawthorne Bridge Deck                               | 5.159         | 3.125        | Portland     | 2/3           | 75              |  |
| <b>Total</b>  | <b>7.528</b>  | <b>5.494</b> |              |               |                 |  |
| <b>Other Short List Not Recc.</b>                   |               |              |              |               |                 |  |
| Kruse Way Reconstruction                            | 1.200         | 0.000        | Clack. Co.   | 3/3           | 61              |  |
| <b>Total</b>  | <b>1.200</b>  | <b>0.000</b> |              |               |                 |  |
| <b>Road Expansion</b>                               |               |              |              |               |                 |  |
| <b>Recommended Projects</b>                         |               |              |              |               |                 |  |
| Sunnyside Road Widening (Sunnybrook/122nd)          | 5.000         | 5.000        | Clack. Co.   | 1/17          | 92              |  |
| Greenburg Road at Hwy. 217 Intersection Improvement | 0.359         | 0.359        | Wash. Co.    | 2/17          | 90              |  |
| Ramp Meter Infill: I-5/I-84 (6 locations)           | 0.449         | 0.449        | ODOT         | 3/17          | 90              |  |
| 99W/Tualatin Rd Intersection Realignment (Ph 1)     | 4.486         | 3.000        | Wash. Co.    | 5/17          | 88              |  |
| Ramp Meter Infill: Front/SB I-5                     | 0.090         | 0.090        | ODOT         | 6/17          | 90              |  |
| 238th & Halsey Intersection Improvement             | 0.377         | 0.377        | Mult. Co.    | 8/17          | 83              |  |
| Murray S. Signal Interconnection/Optimization       | 0.031         | 0.031        | Wash. Co.    | 9/17          | 78              |  |
| <b>Total</b>  | <b>10.792</b> | <b>9.306</b> |              |               |                 |  |
| <b>Next Priority</b>                                |               |              |              |               |                 |  |
| Johnson Creek Blvd. Ph. 2 - Clack. Co. Share        | 0.568         | 0.000        | Clack. Co.   | 11/17         | 78              |  |
| Johnson Creek Blvd. Ph. 2 (City of Portland Share)  | 0.265         | 0.000        | Portland     | 11/17         | 78              |  |
| Water Avenue Extension                              | 1.600         | 0.000        | Portland     | 13/17         | 71              |  |
| Foster Road Improvement (at Jenne and 162nd)        | 0.600         | 0.000        | Mult. Co.    | 17/17         | 63              |  |
| <b>Total</b>  | <b>3.033</b>  | <b>0.000</b> |              |               |                 |  |

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### ATTACHMENT 3: ANALYSIS OF PAST FUNDING ALLOCATIONS

|  | BIKE        | PED         | RECON-<br>STRUCT | ROAD EX       | FREIGHT      | TOD         | TDM         | LRT<br>TRANSIT | OTHER<br>TRANSIT | STUDY       | TOTAL         | % of<br>Total | % of Geo-<br>Graphic |
|--|-------------|-------------|------------------|---------------|--------------|-------------|-------------|----------------|------------------|-------------|---------------|---------------|----------------------|
| <b>REGIONAL STP</b>                      |             |             |                  |               |              |             |             |                |                  |             |               |               |                      |
| COP                                      |             |             | 2.67             | 1.70          |              |             |             |                |                  | 0.23        | 4.60          | 10%           | 37%                  |
| E. MULT                                  |             |             |                  | 4.36          |              |             |             |                |                  |             | 4.36          | 9%            | 35%                  |
| CLACK CO                                 |             |             |                  | 0.69          |              |             |             |                |                  | 0.72        | 1.41          | 3%            | 11%                  |
| WASH CO                                  |             |             |                  | 2.12          |              |             |             |                |                  |             | 2.12          | 4%            | 17%                  |
| REGIONAL                                 |             | 0.25        |                  |               |              |             |             | 22.00          | 9.00             | 3.62        | 34.87         | 74%           |                      |
| <b>SUBTOTAL</b>                          | <b>0.00</b> | <b>0.25</b> | <b>2.67</b>      | <b>8.86</b>   | <b>0.00</b>  | <b>0.00</b> | <b>0.00</b> | <b>22.00</b>   | <b>9.00</b>      | <b>4.57</b> | <b>47.35</b>  | <b>100%</b>   | <b>100%</b>          |
| <b>CONGESTION MITIGATION/AIR QUALITY</b> |             |             |                  |               |              |             |             |                |                  |             |               |               |                      |
| COP                                      | 0.86        | 3.60        |                  | 0.10          |              | 3.48        | 0.07        |                |                  |             | 8.12          | 32%           | 71%                  |
| E. MULT                                  | 0.06        | 1.06        |                  | 0.30          |              |             |             |                |                  |             | 1.43          | 6%            | 12%                  |
| CLACK CO                                 | 0.48        |             |                  |               |              |             |             | 0.52           |                  |             | 1.00          | 4%            | 9%                   |
| WASH CO                                  | 0.69        | 0.20        |                  |               |              |             |             |                |                  |             | 0.89          | 3%            | 8%                   |
| REGIONAL                                 | 0.32        | 0.47        |                  |               | 1.00         |             | 2.89        |                | 9.62             |             | 14.30         | 56%           |                      |
| <b>SUBTOTAL</b>                          | <b>2.42</b> | <b>5.33</b> | <b>0.00</b>      | <b>0.40</b>   | <b>1.00</b>  | <b>3.48</b> | <b>2.96</b> | <b>0.00</b>    | <b>10.14</b>     | <b>0.00</b> | <b>25.74</b>  | <b>100%</b>   | <b>100%</b>          |
| <b>TRANSPORTATION ENHANCEMENT</b>        |             |             |                  |               |              |             |             |                |                  |             |               |               |                      |
| COP                                      | 3.75        |             |                  |               |              |             |             |                |                  |             | 3.75          | 64%           | 64%                  |
| E. MULT                                  | 0.08        |             |                  |               |              |             |             |                |                  |             | 0.08          | 1%            | 1%                   |
| CLACK CO                                 | 0.12        |             |                  |               |              |             |             | 0.80           |                  |             | 0.92          | 16%           | 16%                  |
| WASH CO                                  | 0.78        | 0.31        |                  |               |              |             |             |                |                  |             | 1.09          | 19%           | 19%                  |
| REGIONAL                                 |             |             | 0.05             |               |              |             |             |                |                  |             | 0.05          | 1%            |                      |
| <b>SUBTOTAL</b>                          | <b>4.73</b> | <b>0.31</b> | <b>0.05</b>      | <b>0.00</b>   | <b>0.00</b>  | <b>0.00</b> | <b>0.00</b> | <b>0.80</b>    | <b>0.00</b>      | <b>0.00</b> | <b>5.89</b>   | <b>100%</b>   | <b>100%</b>          |
| <b>STATE PROGRAM</b>                     |             |             |                  |               |              |             |             |                |                  |             |               |               |                      |
| COP                                      | 1.50        | 1.80        |                  | 4.41          | 0.44         |             |             |                | 0.96             |             | 9.11          | 4%            | 10%                  |
| E. MULT                                  |             |             |                  | 22.00         |              |             |             |                |                  |             | 22.00         | 9%            | 23%                  |
| CLACK CO                                 | 0.44        |             |                  | 29.41         |              |             |             |                |                  |             | 29.85         | 13%           | 32%                  |
| WASH CO                                  | 0.63        |             |                  | 33.06         |              |             |             |                |                  |             | 33.69         | 14%           | 36%                  |
| REGIONAL                                 |             |             |                  | 78.23         | 14.00        |             |             | 22.00          | 27.00            |             | 141.23        | 60%           |                      |
| <b>SUBTOTAL</b>                          | <b>2.57</b> | <b>1.80</b> | <b>0.00</b>      | <b>167.11</b> | <b>14.44</b> | <b>0.00</b> | <b>0.00</b> | <b>22.00</b>   | <b>27.96</b>     | <b>0.00</b> | <b>235.88</b> | <b>100%</b>   | <b>100%</b>          |
| <b>TOTAL</b>                             | <b>9.72</b> | <b>7.69</b> | <b>2.72</b>      | <b>176.37</b> | <b>15.44</b> | <b>3.48</b> | <b>2.96</b> | <b>44.00</b>   | <b>47.90</b>     | <b>4.57</b> | <b>314.86</b> |               |                      |
| Pecernt of Total                         | 3%          | 2%          | 1%               | 56%           | 4.9%         | 1%          | 1%          | 14%            | 15%              | 1%          | 100%          |               |                      |

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**AGENDA ITEM 7.6**  
**Meeting Date: July 27, 1995**

**Resolution No. 95-2177**

**Resolution No. 95-2177, Adopting Amendments to the Federal RTP Proposed by  
the Cities of East Multnomah County.**





TRANSPORTATION PLANNING COMMITTEE REPORT

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RESOLUTION NO. 95-2177, ADOPTING AMENDMENTS TO THE FEDERAL RTP  
PROPOSED BY THE CITIES OF EAST MULTNOMAH COUNTY

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Date: July 19, 1995

Presented by: Councilor Washington

**COMMITTEE RECOMMENDATION:** At its July 18, 1995 meeting the Transportation Planning Committee voted 3-0 to recommend Council adoption of Resolution No. 95-2177. All committee members were present and voted in favor.

**COMMITTEE DISCUSSION/ISSUES:** Transportation Planning Manager Mike Hoglund presented the staff report, summarizing the issues included in the written staff report. There was no committee discussion.



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING ) RESOLUTION NO. 95-2177  
AMENDMENTS TO THE FEDERAL )  
RTP PROPOSED BY THE CITIES ) Introduced by  
OF EAST MULTNOMAH COUNTY ) Councilor Rod Monroe, Chair  
JPACT

WHEREAS, Pursuant to Title 23, Code of Federal Regulations (CFR) Part 450 and Title 49 CFR part 613, Metropolitan Planning Rules, the federal Intermodal Surface Transportation Efficiency Act (ISTEA) regulations require metropolitan planning organizations to update transportation plans every three years; and

WHEREAS, The federal ISTEA requires financially constrained plans; the Clean Air Act Amendments of 1990 (CAAA) requires that metropolitan transportation plans do not result in worsened air quality; and the American with Disabilities Act (ADA) requires that metropolitan transportation plans address the needs of the disabled; and

WHEREAS, The interim federal Regional Transportation Plan (RTP) establishes the policy framework for the region's transportation system and satisfies federal ISTEA regulations and was adopted through Metro Resolution No. 95-2138A in May 1995; and

WHEREAS, This interim federal RTP provides the scope for transportation improvements eligible for funding through the Metro Transportation Improvement Program (MTIP); and

WHEREAS, JPACT and Metro Council directed staff and TPAC to consider East Multnomah County comments for incorporation into the interim federal RTP; and

WHEREAS, East Multnomah County comments have been considered

by staff, TPAC and JPACT; now, therefore,

BE IT RESOLVED,

That the Metro Council hereby declares:

1. That the East Multnomah County comments and JPACT recommendations as attached in Exhibit A are approved.
2. That staff is directed to make approved changes to the maps and text of the federal RTP as identified in Exhibit A.
3. That staff is instructed to proceed with Phase II RTP update activities to fully address East Multnomah County comments deferred to the Phase II effort.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

J. Ruth McFarland, Presiding Officer

ACC:TK:lmk  
95-2177.RES  
7-13-95



**METRO**

**EXHIBIT 'A'**

**East Multnomah Comments on the Federal RTP  
& JPACT Recommendations**

The following is a summary of East Multnomah County comments on the Federal RTP and corresponding JPACT recommendations. The original East Multnomah County comments are shown on the attached memorandum.

1. **Comment:** Amend NHS map (Figure 4-2) to show Hogan Road corridor instead of 181st/Burnside as the single route between I-84 and US 26 (Gresham).

**JPACT recommendation on Comment 1:** agree; this amendment was included the package of amendments approved by Metro Council on May 25, 1995.

2. **Comment:** Amend the Freight System Map (Figure 4-3) to state that the proposed Mount Hood Parkway would replace 181st/Burnside as the "main roadway route," or delete the 181st/Burnside route in the absence of such language (Gresham).

**JPACT recommendation on Comment 2:** Agree; revise as proposed.

3. **Comment:** Revise the Transit System Map (Figure 4-4) to include intermodal passenger facilities and lines (Gresham).

**JPACT recommendation on Comment 3:** Disagree; Union Station and Portland International Airport were included in the federal RTP because of their obvious significance. However, other intermodal passenger information will be detailed as part of the Phase II process, as the IMS effort is completed.

4. **Comment:** Revise the Transit System Map (Figure 4-4) to reflect Region 2040 "corridors" as primary transit routes (Gresham).

**JPACT recommendation on Comment 4:** Disagree; the Region 2040 growth concept will be addressed as part of the Phase II effort. Further, because the RTP is a 20-year plan, the Region 2040 is a 50-year growth concept, there will likely be areas where transportation improvements needed to support the growth concept will be phased in, with major improvements occurring beyond the 20-year RTP horizon.

5. Comment: Revise the Bicycle System Map (Figure 4-5) to include SW 190th (Butler to Powell) and SE Roberts/Regner (Butler to Powell) as proposed bikeways (Gresham)

**JPACT recommendation on Comment 5:** Agree, in part; recommend including 190th as a proposed route, since it connects to an existing north/south route and to points outside the urban area. However, most bicycle routes on Collector and Local streets were not fully considered in the Phase I process, and therefore SE Roberts/Regner would best be considered as elements of a secondary level of regionally-significant bicycle routes during Phase II.

6. Comment: Revise the Bicycle System Map (Figure 4-5) to include SW Highland Drive (190th to Powell) and Columbia River Highway (from 257th eastward) as existing bicycle routes (Gresham)

**JPACT recommendation on Comment 6:** Agree; both routes connect to other existing or proposed routes already in the region, and represent important connections to points outside the region. Recommend amending Figure 4-5 to include these routes.

7. Comment: Revise the Bicycle System Map (Figure 4-5) to include the West Gresham/Fairview Trail (from the Springwater Trail at 190th to Marine Drive at Blue Lake) as a proposed multi-use trail. This route would parallel Birdsedale/201st, following a former rail corridor (Gresham).

**JPACT recommendation on Comment 7:** Agree; revise as proposed.

8. Comment: Add a number of new projects (see attached memo) to the Chapter 5 Preferred System matrix (Gresham).

**JPACT recommendation on Comment 8:** Agree; revise as proposed.

9. Comment: Add a number of new projects (see attached memo) to the Chapter 7 Financially Constrained System matrix (Gresham).

**JPACT recommendation on Comment 9:** Agree; project no. 1 is currently included in the TIP, and the remaining projects (2, 3, 4, 5 and 8) are funded with local revenue that was not included in the adopted revenue forecast. Recommended revisions as proposed.

10. **Comment:** The proposed regional arterial fund should be described in the funding section of Chapter 8, with a discussion of funding strategies for both arterials and regional through-routes (Gresham).

**JPACT recommendation on Comment 10:** Agree; however, the arterial fund is already described elsewhere in Chapter 8 of the RTP, and additional references in this chapter would be redundant.

11. **Comment:** Do not delete former outstanding issue language from Chapter 8, regarding future studies of an LRT extension in East Multnomah County (Gresham).

**JPACT recommendation on Comment 11:** Agree; replace the language as quoted on page 6 of the East Multnomah County memorandum.





Date: May 15, 1995

To: Andy Cotugno, METRO Planning Director

From: Richard N. Ross, Gresham Transportation Planning Manager

RE: Final Comments  
DRAFT INTERIM FEDERAL REGIONAL TRANSPORTATION PLAN  
(Document Received from METRO 4-17-95)

Following are final comments on the Draft Interim Federal Regional Transportation Plan, based upon the document transmitted by METRO April 17, 1995, and subsequent addenda to Chapters 5 and 7 dated April 24, 28, and May 4, 11. These comments supplement 5-12-95 comments on the R.T.P. process and NHS designation.

Figure 4-2 NATIONAL HIGHWAY SYSTEM MAP, East Multnomah County

The only designated National Highway System route between Interstate 84 Wood Village and U.S. 26 (Southeast of Gresham) should be the Mt. Hood Parkway (or "I84/US 26 Connection") Corridor. This designation was approved in JPACT Resolution 93-1791, and reaffirmed by the East Multnomah County Transportation Committee in November 1994. This designation supports the 2040 Growth Concept.

Figure 4-3 FREIGHT ELEMENT MAP

The Freight Element Map should indicate in a note that the proposed Mt. Hood Parkway would replace 181st/Burnside as a "Main Roadway Route" between I-84 and US 26. The City of Gresham would object to an RTP designation of 181st/Burnside as a "Main Roadway Route" for trucks without this caveat. Growth of intrastate truck traffic on 181st/Burnside is not compatible with the 1994 designation of these streets as Transit corridors in the 2040 Growth Concept and as pedestrian friendly "Transit Streets" by the City of Gresham.

Figure 4-4 PRIMARY TRANSIT NETWORK

(Comments on 2015 Preferred Primary Transit Network map,

dated 4-20-95)

1) Intercity Primary Transit Network

Should include all Intercity Passenger Corridors and Systems

Include: All Current and Future Passenger Terminals and Routes (for bus, air, rail, and airport limousine).

The Intercity Primary Transit Network should include:

- a) Portland/Gresham/Sandy to Bend bus route.
- b) All existing and proposed AMTRAK routes, stations.
- c) All existing and proposed Intercity bus routes, high speed rail routes, passenger and commuter rail, service shown in the Oregon Transportation Plan.
- d) New passenger rail station/intermodal transfer facility at Edgefield Station, Troutdale.

The City of Troutdale supports this facility and intends to include it in its local Transportation System Plan, now in progress. The attached letter on Edgefield Station was submitted to METRO on May 10th, but was not included in the comment record.

2) Regional Primary Transit Network

East County wants a Regional Transportation Plan that strongly supports the 2040 Growth Concept and local plans. Following the 2040 Concept, East County local plans strongly support compact mixed use development on designated 2040 transit corridors.

Outside of Portland, East Multnomah County has the highest population density and transit mode share in the region. The proposed Primary Transit Network in East County is far too thin on Primary Bus Routes, perpetuating the past decade of LRT feeder service inadequacies.

We do not know if other local jurisdictions have already made land use changes on the 2040 corridors, but East County has. East County Cities do not object to the RTP proposed designation of numerous Primary Bus Lines that are not found on the 2040 Growth Concept corridors (in other parts of the region).

Gresham has just prevailed in a major challenge to its Transit Street and District standards ordinance at LUBA. Gresham designated these Transit Streets with assurances from Tri-Met Strategic Plan and METRO that 2040 "corridor" designation meant better future transit service, if we supported those designations in local plans. Fairview has just broken ground on a major neo-traditional town center, Fairview Village. Troutdale supports the Edgefield Station project, which will extend interurban transit from the Portland region through the Columbia Gorge.

It's difficult, however, for East County governments to require better transit design based on the 2040 Concept, if there aren't enough RTP primary bus route "carrots". The Interim RTP Primary Transit Network should, support the East County jurisdictions that have already acted with land use/transportation plans to implement the 2040 Concept.

In East Multnomah County the Regional Primary Transit Network should include:

- a) All Transit Corridors designated in 2040 Growth Concept
- b) Specifically, add these "Primary Bus Routes":
  - Sandy Blvd. (Gresham, Fairview, Wood Village, Troutdale)
  - 181st/182nd (Sandy to Powell)
  - Powell (I-205 to Burnside)
  - 223rd (Powell to Blue Lake Park)
  - Burnside (197th to Powell)

Figure 4-5 PROPOSED REGIONAL BICYCLE NETWORK

Add following to network:

- 1) Add "Proposed Bikeways"

Springwater to Powell/Gresham Regional Center Access Routes

- a) S.W. 190th (Butler to Powell)
- b) SE Roberts/Regner (Butler to Powell)

- 2) Add to "Existing Regional System"

- a) S.W. Highland Drive (existing lanes, 190th to Power)
- b) Historic Columbia River Highway (257th to The Dalles).

This bike route and future Scenic Byway are planned by ODOT for interconnection between Troutdale and The Dalles, as required in both the National Scenic Area Plan (1992) and State Law. (1987)

- 3) Add "Proposed Multi-Use Trail" (West Gresham-Fairview)

As designated in the METRO Greenspaces Plan and Gresham Parks Plan, the West Gresham/Fairview Trail should be included as a multi-use trail. In the next two years Multnomah County, Gresham and Fairview will conduct further analysis of road and trail needs in the Birdsedale Corridor.

The West Gresham-Fairview Trail corridor should extend between:

Springwater Trail at 190th and Marine Drive, West of Blue Lake

Parallel to Birdsedale/201st/202nd Corridor, generally utilizing the former Linnemann Jct. (Ruby Jct.) Fairview interurban corridor.

-----  
Add to CHAPTER 5 PROJECT MATRIX Preferred Network

Multnomah County List

|   |     |           |
|---|-----|-----------|
| 1. East County Signal Optimization Program  | TSM | \$2.000 M |
| 2. Powell Signal Upgrades/Gresham (50/50 share)   | TSM | .336 M    |
| 3. Regner Regional Collector (Roberts to Butler)<br>2 lanes with sidewalks, bike lanes<br>( Includes Springwater Access project Butler to Powell) |     | 2.485 M   |
| 4. SE 190th Regional Collector ( Powell to Highland)<br>2 lanes with sidewalks, bike lanes<br>( Includes Springwater Access project)              |     | .600 M    |
| 5. Gresham Regional Center Multi-Modal Street Projects  |     |           |
| a. Powell "Main Street" Boulevard (Eastman/Hogan)   |     | 2.0 M     |
| b. Division "Main Street" Boulevard (Wallula/Hogan)   |     | 3.0 M     |
| c. NE Hood ( Powell to Division)  |     | .893 M    |
| d. NE 5th (Main to Cleveland)   |     | .606 M    |
| 6. Gresham Regional Center Public Parking Garages   |     | 6.0 M     |
| 7. Rockwood Town Center "Main Street" Boulevards<br>( Burnside and/or Stark ( 181st to 192nd)   |     | 3.0 M     |
| 8. Gresham Missing Links Sidewalk Program<br>( Gresham Regional Center, Rockwood Town Center,<br>regional collectors and LRT station areas)       |     | 1.0 M     |
| 9. Edgefield Station/Gorge Interurban Passenger Station   |     | 2.0 M     |
| 10. Sandy Blvd I-84 Overcrossing<br>(Replaces exit 16B, reconnects Sandy for regional<br>access to Edgefield Station and Downtown Troutdale)      |     | 3.0 M     |
| 11. Sandy Blvd. ( 162nd to Troutdale)<br>(3 lanes with bike lanes, sidewalks)   |     | 20.0 M    |
| 12. Other East County "Main Street" Projects<br>Fairview Village Town Center area<br>Edgefield Station/ Downtown Troutdale areas                  |     | 3.0 M     |

13. West Gresham/ Fairview Trail 4.0 M  
( Multi-Use Trail: Springwater Trail to Marine Dr.)

-----  
Add to CHAPTER 7 PROJECT MATRIX Constrained Network

Tri-Met

DON'T DELETE:

7. Division Fast Link (Portland to Gresham) 6.95 M

Multnomah County

REVISE:

#44. Edgefield Station TOD 5.0 M  
Includes projects 9,10 above:  
Gorge Interurban Passenger Station, Sandy/I-84 Overcrossing

ADD

1. East County Signal Optimization Program TSM \$2.000 M
2. Powell Signal Upgrades/Gresham (50/50 share) TSM .336 M
3. Regner Regional Collector (Roberts to Cleveland) .215 M  
2 lanes with sidewalks, bike lanes  
( Includes Springwater Access project Cleveland to Powell)
4. SE 190th Regional Collector ( Powell to Highland) .600 M  
2 lanes with sidewalks, bike lanes  
( Includes Springwater Access project)
5. Gresham Regional Center Multi-Modal Street Projects
  - c. NE Hood ( Powell to Division) .893 M
  - d. NE 5th (Main to Cleveland) .606 M
8. Gresham Missing Links Sidewalk Program .500 M  
( Gresham Regional Center, Rockwood Town Center.

Chapter 8-11 STATE AND LOCAL FUNDING

Regional Arterials, Regional Through Routes (Freeways).

This section should describe regional efforts to create a Regional Arterial Fund. At the JPACT Finance Committee on May 8th, Councilors Monroe and Morisette indicated that the region needs to develop new funding strategies for the Regional Through Routes (freeways) endorsed by the 2040 Growth Concept and described on Map 4-1.

The Interim RTP should reflect the region's intent to pursue local and state funding strategies for both the Regional Arterial Fund and major Regional Through Routes (freeways) from the 2040 Growth Concept in the next two years. (prior to the next RTP Update)

Chapter 8-25 OUTSTANDING ISSUE #14 LIGHT RAIL ANALYSIS

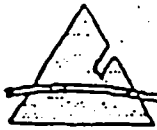
Should not delete this current wording:

"Studies should be undertaken in the future to determine if an appropriate corridor or level of demand exists to provide a loop extension of the MAX LRT line in East Multnomah County. If such a corridor is found, subsequent studies should be undertaken to determine the feasibility of such an extension or alternative transit strategies"

Light Rail extension is still an outstanding RTP issue for East County. This issue is also mandated for study in Gresham's Comprehensive Plan policies and 2020 Action Plan. An East County Long Range Transit Study is underlay now to examine preliminary feasibility of LRT extensions. It is premature to drop this issue from the RTP. Both local and regional planning processes need to evaluate the results of the 1995 study and conclude we should do.

PTC: Councilor Claudiette Lavert, JPACT Member  
Councilor David Ripma, JPACT Alternate  
Jim Galloway, TPAC Alternate  
John Pettis, City of Fairview  
Jerry Anderson, City of Wood Village  
Ed Pickering, Multnomah County Transportation Division

Attachment: Edgefield Station letter of 5-9-95



# Edgefield Station, Inc.

A Multi-Modal Tourism Center

May 9, 1995

Don Lloyd,  
President

Mr. Tom Kloster  
Metro Planning Department  
600 N. E. Grand  
Portland OR 07232

Sue O'Halloran,  
Secretary &  
Vice President

Dear Tom:

Carl Alden,  
Treasurer &  
Vice President

Edgefield Station, Inc. requests inclusion in the Interim Federal REgional Transportation Plan as a transit-oriented, multi modal site in Multnomah County and within the boundaries of the City of Troutdale.

Paul Warr-King,  
Vice President

Terry Cook,  
Vice President

ESI has received support from the Bi-State Policy Advisory Committee as well as a large contingent of public and private stakeholders as evidenced by the membership on our Advisory Board. These individuals and groups believe Edgefield Station has a major role to play in both the Oregon Transportation Plan and the Regional Plan, offering a unique capability. No other site offers the combination of a passenger rail station with all the other modes of transit, including bicycles and pedestrian-ways. In fact, the transportation planning maps in the Interim RTP support the development proposal.

Steve Ellis,  
Vice President

Anita Cavazos,  
Executive  
Director


On the projects recommended for the preferred network are items 1, 24, 25 and 35 under Multnomah County as well as the Mt. Hood Parkway, item 77 under ODOT. The Parkway, however, is not a requirement for the success of this site and is only mentioned as it relates to access into the Four Cities area. A key component is the reconnection of Sandy Blvd across the I-84 Freeway.

The estimated cost for the passenger rail station is \$2 million and the Sandy Blvd. reconnect is estimated at \$3 million. Troutdale is currently in the process of developing its Local Transportation Plan and will include these two projects.

We are happy to provide further information required.

Sincerely,

EDGEFIELD STATION, INC.

  
Sue O'Halloran  
Secretary & Vice President

■ ■ ■  
P.O. Box 716  
Troutdale, OR 97060  
(503) 771-6121





STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 95-2177 FOR THE PURPOSE OF  
ADOPTING AMENDMENTS TO THE FEDERAL RTP PROPOSED BY THE  
CITIES OF EAST MULTNOMAH COUNTY

Date: June 22, 1995

Presented by: Andrew C. Cotugno

PROPOSED ACTION

This ordinance would adopt amendments to the federal RTP proposed by the Cities of East Multnomah County. Upon adoption of the federal RTP in May 1995, JPACT and the Metro Council approved a special resolution allowing the East Multnomah County cities to submit comments for JPACT and Council consideration no later than July 1995.

The staff analysis and recommendations were reviewed and approved with some modification by TPAC on June 30. JPACT reviewed and approved the proposed amendments on July 13, 1995.

FACTUAL BACKGROUND AND ANALYSIS

Of the comments submitted by the East Multnomah County cities, several warrant amendments to the federal RTP at this time. Others would be more appropriately considered as part of the Phase II portion of the RTP update and considered for adoption as part of the Phase II amendments in 1996. A detailed staff analysis of the proposed amendments is shown in Exhibit A.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 95-2177.

ACC:TK:lmk  
95-2177.RES  
7-13-95



**AGENDA ITEM 7.7**  
**Meeting Date: July 27, 1995**

**Resolution No. 95-2183**

**Resolution No. 95-2183, Amending the FY 1995 Metro Transportation  
Improvement Program to Update the Regional Transit Program**



TRANSPORTATION PLANNING COMMITTEE REPORT

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RESOLUTION NO. 95-2183, AMENDING THE FY 1995 METRO TRANSPORTATION IMPROVEMENT PROGRAM TO UPDATE THE REGIONAL TRANSIT PROGRAM

---

Date: July 19, 1995

Presented by: Councilor Kvistad

**COMMITTEE RECOMMENDATION:** At its July 18, 1995 meeting the Transportation Planning Committee voted 3-0 to recommend Council adoption of Resolution No. 95-2183. All committee members were present and voted in favor.

**COMMITTEE DISCUSSION/ISSUES:** Transportation Planning Department Director Andy Cotugno presented the staff report. He explained that Metro, as the region's Metropolitan Planning Organization, must approve changes to the regional transit program. This includes changes from Tri-Met on its planned expenditures using federal funds, and which is the substance of the resolution. Mr. Cotugno said this change reflects a reduction in funds from those anticipated when the regional transit program was adopted. He summarized the changes, as shown in Exhibit A.



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE ) RESOLUTION NO. 95-2183  
FY 1995 METRO TRANSPORTATION )  
IMPROVEMENT PROGRAM TO UPDATE ) Introduced by  
THE REGIONAL TRANSIT PROGRAM ) Councilor Rod Monroe, Chair  
JPACT

WHEREAS, Tri-Met is the region's designated transit provider; and

WHEREAS, the Tri-Met Board has previously approved a five-year program of transit project priorities in cooperation with Metro and the region's other local jurisdictions; and

WHEREAS, implementation of these priorities relies in part on federal revenue sources; and

WHEREAS, Metro must approve programming of federal funds that support transit projects in the urban portion of the Portland area in the Metro Transportation Improvement Program (TIP); and

WHEREAS, Tri-Met has updated its previous programming assumptions to reflect revised federal assistance and to begin implementation of future year priorities;

WHEREAS, Each of the amendments requested, except for programming of South/North LRT construction funds, are insignificant with respect to regional air quality emissions and/or have been modeled in the federally approved FY 1994 Air Quality Conformity Determination; now, therefore,

BE IT RESOLVED:

1. That the FY 1995 Metro TIP be amended to reflect the projects and authorized federal sums shown in Exhibit A except



for the South/North LRT construction funds.

2. That the South/North construction funds are approved contingent upon inclusion of the project in a federally approved FY 1996 Conformity Determination.

3. That other miscellaneous administrative amendments within the scope of those encompassed by Metro Resolution No. 85-592 are authorized to reflect schedule and cost changes to previously approved projects.

4. That these various amendments shall be incorporated into an FY 1996 Metro Transportation Improvement Program which shall be incorporated without change into the 1996 State Transportation Improvement Program.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_,  
1995.

J. Ruth McFarland, Presiding Officer

95-2183.RES  
7-12-95  
TW:hmk

# EXHIBIT A: Proposed Transit Program Amendments Requiring Adoption by Resolution

265

|   | <u>FY 96</u>   | <u>FY 97</u>   | <u>FY98</u>   | <u>Federal<br/>Authorized</u> |   |
|---|----------------|----------------|---------------|-------------------------------|---|
| <b>Section 5307 (Former Section 9)</b>        |                |                |               |                               |   |
| Operating Assistance                          | 2.785          | 2.785          | 2.785         | 8.355                         | Reduced from \$3.510 M annually                                     |
| Westside/Hills LRT                            | 8.000          |                |               | 30.000                        | \$22 M Previously obligated   |
| Gresham Civic LRT Station PE                  | 0.080          |                |               | 0.080                         |   |
| Banfield Info Pylons                          | 1.190          |                |               | 1.190                         |   |
| Passenger Shelters                            | 1.081          |                |               | 1.081                         |   |
| Bus Purchase                                  | 0.000          | 7.138          | 7.069         | 14.207                        | FY 98 funds deferred from FY 96 & 97; reduced by .45 M              |
| SNT Facility                                  | 2.000          |                |               | 2.000                         |   |
| SNT Minibuses                                 | 0.699          | 1.635          | 1.462         | 3.796                         |   |
| SNT Vehicle Hydraulic Lift                    | 0.014          |                |               | 0.014                         |   |
| Paratransit Info System                       | 0.064          |                |               | 0.064                         |   |
| Computer/Telecomm Equip                       | 0.906          |                |               | 0.906                         |   |
| Bus Signal Priority Equip                     | 0.072          |                |               | 0.072                         |   |
| Registering Fare Boxes                        | 0.072          |                |               | 0.072                         |   |
| Accessible Stops                              | 0.058          |                |               | 0.058                         |   |
| Non-Revenue Vehicles                          | 0.386          |                |               | 0.386                         |   |
| Shop Equipment                                | 0.122          |                |               | 0.122                         |   |
| LR Maint. Equip/Vehicles                      | 0.859          |                |               | 0.859                         |   |
| Tires   | 0.863          |                |               | 0.863                         |   |
| Engine/Tnsm's'n Rebuild Kits                  | 0.321          |                |               | 0.321                         |   |
| LRT Air Conditioning Retrofit                 | 0.000          | 0.000          | 0.000         | 0.000                         | \$3.992 M project indefinitely postponed                            |
| <b>Program Total</b>                          | <b>19.572</b>  | <b>11.558</b>  | <b>11.316</b> | <b>64.446</b>                 |   |
| <b>Section 3 New Start</b>                    |                |                |               |                               |   |
| Westside/Hills LRT                            | 110.000        | 141.331        | 74.065        | 590.060                       | Increase from \$120 M caused by FY 95 deferral                      |
| South/North LRT                               |                |                | 10.000        | n.a.                          | Rises to \$50 M in FY 99 and \$100 M annually thereafter            |
| <b>Program Total</b>                          | <b>110.000</b> | <b>141.331</b> | <b>84.065</b> | <b>590.060</b>                |   |
| <b>Section 3 Light Rail System Completion</b> |                |                |               |                               |   |
| Gresham Park & Ride                           | 0.000          | 0.000          | 0.000         | 0.000                         | \$3.360 M now from Tri-Met resources                                |
| LRT Low Floor Vehicle Premium                 |                | 9.530          | 0.000         | 17.180                        | \$7.65 balance obligated 4/19/95                                    |
| <b>Program Total</b>                          | <b>0</b>       | <b>9.53</b>    | <b>0</b>      | <b>17.18</b>                  | \$13.409 M of Banfield Completion/Project Breakeven funds obligated |

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L

## STAFF REPORT

### CONSIDERATION OF RESOLUTION NO. 95-2183 FOR THE PURPOSE OF AMENDING THE FY 1995 METRO TRANSPORTATION IMPROVEMENT PROGRAM TO UPDATE THE REGIONAL TRANSIT PROGRAM

Date: July 12, 1995

Introduced by: Andrew C. Cotugno

## PROPOSED ACTION

Approval of this resolution would amend the FY 1995 Metro TIP to incorporate revisions to the regional transit program identified in Exhibit A of the Resolution. In summary, Tri-Met has proposed allocation of \$7.16 million of Section 5307 (formerly Section 9) carryover funds and the anticipated FY 96 appropriation of \$15.17 million (\$19.44 million total) to a variety of new projects. Other miscellaneous amendments are also proposed affecting components of the Section 3 Discretionary program. The Resolution authorizes incorporation of these amendments into an FY 1996 Metro TIP and the 1996 State TIP. It authorizes \$10 million of Section 3 New Start construction funding for the South/North LRT in FY 98 contingent on inclusion of the project in a federally approved Air Quality Conformity Determination (expected in mid-July). It would leave Tri-Met a \$2.53 million carryover of unallocated Section 5307 funds in FY 97.

## FACTUAL BACKGROUND AND ANALYSIS

Tri-Met is the region's designated transit provider. The Tri-Met Board annually updates and has approved a five-year capital improvement program. This program was prepared in close coordination with Metro and with the region's other local jurisdictions and has been the subject of extensive public participation. Drawing from this program, Tri-Met has proposed a series of updates to the next three years of regional transit programming.

Metro is the federally designated MPO. Where federal funds are relied upon by Tri-Met to execute its transit program, Metro must include and approve the use of the federal funds in the Metro TIP. This programming must also be reflected, without change, in the State TIP. Some of Tri-Met's proposals require resolution approval for TIP inclusion. These are fully reflected in Exhibit A of the Resolution. The key amendments are highlighted below.

1. Proposed FY 98 programming of \$10 million Section 3 funds on South/North LRT.
2. Deletion of Gresham Park-and-Ride from federal program (commitment of local funds to complete).
3. Reduction from \$7.56 million to \$7.1 million of bus purchase funds programmed in FY 96 and 97 and deferral of the purchase to FY 98.

4. Reduction of Section 5307 (Section 9) Operating Assistance from \$3.51 to \$2.79 million in FY 96 through FY 98.
5. Seed funding of \$80,000 for PE on the Gresham Civic Neighborhood LRT Station in FY 96 using Section 5307 (Section 9) funds.
6. Construction of a \$2 million Special Needs Transit facility with Section 5307 funds.

Most of the amendments are minor updates to the schedule and cost of previously approved projects. This class of amendments can be administratively processed within the guidance of Metro Resolution No. 85-592.

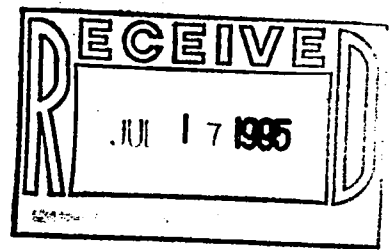
All but one of the proposed amendments are either exempt from regional air quality conformity analysis or else represent a minor adjustment to projects modeled for conformity in the federally approved FY 1994 Conformity Determination. The South/North project will be captured in the 1996 Conformity Determination currently in preparation. (This Determination will also capture all of the projects proposed in the \$27 million Region 2040 Implementation Program).

Upon approval of this Resolution (and the companion Region 2040 programming), a 1996 Metro TIP will be prepared reflecting updated schedule and cost information for all previously approved projects and these newly approved projects. The revised comprehensive document will then be subject to independent public review and comment. Assuming approval of this program, Tri-Met will retain a \$2.53 million carryover of Section 5307 funds available for programming to new projects in FY 97 and later years.

#### EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 95-2183.

TW:lmk  
95-2183.RES  
7-13-95



Date: July, 14, 1995  
To: Stuart Todd  
Metro Planning Dept.  
From: Property owners: UGB Contested Case 95-1  
Ed Janssen, Ed Harvey and Bruce Anderson  
RE: Support of Hearings Officer proposed order and findings for approval

Stuart,

As you discussed with Steve Larrance it is our understanding that it is not necessary for us to comment on or respond with an exception to the proposed order and findings of the Hearings Officer, Larry Epstein, to maintain our status as parties of record in this case. Our previous written comments and oral testimony maintain our status throughout the duration of this case.

We offer our support for Mr. Epstein's recommendation to approve the inclusion of our properties on the south side the Tualatin Valley Highway and north of the Southern Pacific rail line within the adopted Urban Growth Boundary. As you know, it is our belief that these long time urban developed properties were at the time of the initial drawing of the boundary intended to be inside and in fact were included within the UGB on all adopted planning maps. Only very recently have maps shown these properties outside the boundary.

Mr. Epstein's findings correctly address the required METRO criteria in building a lawful case that the urban area is best served and the rural area is not impacted by including these properties within the UGB.

For over 100 years our urban developed properties have serviced the urban and rural population of Washington County by specifically serving as the downtown for the town of Reedville. During that time many commercial and public utility uses central to the survival of local and indeed regional business and transportation needs have been served from this site as the written record of this case supports.

We will attend the METRO Council hearing tentatively scheduled for either July 27 at 7 P.M. or August 10, 1995 in the afternoon and would like to testify before the Council.

We appreciate your assistance in this difficult situation and look forward to correcting what we believe to be a recent mapping error which excluded our properties from within the UGB.

Respectfully submitted,

*Ed Harvey*  
*Edmund W. Janssen*  
*Bruce Anderson*

July 27, 1995

To: METRO Council  
600 NE Grand Avenue  
Portland, Or. 97232

From: Property owners: UGB Contested Case 95-1  
Ed Jannsen, Ed Harvey and Bruce Anderson

RE: Copies of our correspondence with Washington County  
Board of Commissioners and Department of Land Use  
and Transportation staff, Metro staff, and the Metro  
Hearings Officer which have not been included in your  
Council packets

Presiding Officer McFarland and Council Members,

As you know, since we did not disagree with the Hearings Officer's recommendation on UGB Contested Case 95-1 and therefore did not file an exception, we are not normally afforded an opportunity to testify before your council in this matter even though we are parties of record. We do hope you will read the attached written correspondence with our elected and appointed officials to understand our thoughts and position concerning the important decision you will make regarding our properties. We are in attendance tonight and will respond to any questions you might have and we will also attend your August 3, 1995 2PM Council Hearing.

Thanks for listening.

Date: July, 14, 1995  
To: Stuart Todd  
Metro Planning Dept.  
From: Property owners: UGB Contested Case 95-1  
Ed Jannsen, Ed Harvey and Bruce Anderson  
RE: Support of Hearings Officer proposed order and findings for approval

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We appreciate your assistance in this difficult situation and look forward to correcting what we believe to be a recent mapping error which excluded our properties from within the UGB.

Respectfully submitted,



10/16/84

To: John Rosenberg

Fr: Bonnie Hays

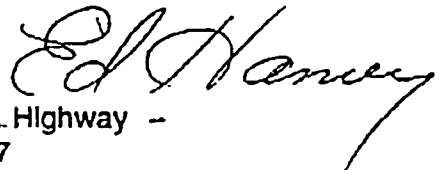
Have you had a chance to review this? Steve Sprance is trying to help Ed Harvey. Please call Steve (649-3482) as soon as possible. We need to make it right.

Bonnie Hays  
Chair, Washington County  
Board of Commissioners

Ms. Hays,

Recently the Department Land Use and Transportation informed me that they now consider those properties south of T.V. Highway and north of the railroad tracks and between 209th and 216th to be outside the adopted Urban Growth Boundry. I have participated in the community planning process from the beginning in the 1970s through the adoption of the Aloha Reedville Cooper Mt. Community Plan in June of 1983 and on the next couple of years through the adoption of the T.V. Highway Access Management Plan. Never in any of these processes or adopted plans were the previously described properties represented to be outside the UGB by members of your staff, Metro staff or LCDC staff. On the contrary, the properties were and are shown inside the boundry on the CPO#6 map, have urban land use designations, have been serviced by urban services and have been required to follow urban standards. In fact those properties would not have been planned for or given the designation of General Commercial in the CPO#6 Community Plan (an urban only plan) had they not been acknowledged to be inside the adopted UGB in 1983. My business, Harvey Marine Supply, has been at our present location for over thirty years. The buildings we occupy are more than 100 years old and have been included on the list of Historical Resources within the text of the CPO#6 Community Plan. My business property has been acknowledged urban since the UGB was established. Now after many years, public processes and adopted plans a METRO map appears disputing that fact. The LUT staff at Washington County apparently feels no responsibility to initiate discussions with METRO staff to correct this mapping error. I did nothing to cause the error. I have participated in and followed the rules of land use planning in our county. Why should I pay in my time and money to chase after METRO to correct a minor map error when your staff deals regularly with them on such matters? The marketing line used to sell state-wide land use planning in the beginning was "surety in process". Let's hope that this mapping error is the exception and not the rule.

Respectfully,  
Ed Harvey  
Harvey Marine  
21250 S.W. T.V. Highway -  
Aloha, Or. 97007  
649-5551





WASHINGTON  
COUNTY,  
OREGON

October 18, 1994

Andy Cotugno  
Planning Director  
METRO  
600 NE Grand Avenue  
Portland, OR 97232-2736

Dear Andy:

RE: MINOR ADJUSTMENT TO THE Urban Growth Boundary (UGB)

We have received a request from a property owner asking Washington County to initiate discussions with METRO concerning an apparent mapping error in the UGB. The land in question involves several parcels which are inside METRO's boundary and outside the UGB (see attachment). These properties have been designated as either industrial or commercial since the early 1960's; are defined as urban in Washington County's Comprehensive Plan (acknowledged by LCDC in 1983); and are currently developed and designated General Commercial.

Based on our research of the facts, this appears to be an obvious mapping error. Rather than forcing the property owners to initiate the minor adjustment application and go through that process, I am requesting that METRO administratively, or by "interpretation," correct the situation.

If you have questions or concerns, please call Brent Curtis or Mark Brown at 640-3519.

Sincerely,

  
John E. Rosenberger  
Director

Attachment

c: Ed Harvey

J:\METRO.WP5

May 15, 1995

To: Stuart Todd  
METRO Planning  
600 NE Grand Avenue  
Portland, Or 97232-2736

From: Steve Larrance  
20660 SW Kinnaman Rd.  
Aloha, Or.. 97007  
649-3482

RE: UGB Amendment Petition case 95-1 Harvey/Wa. Co.  
Supplement Record of 5-10-95 Hearing

Stuart,

As you know, the Hearings Officer, Larry Epstein held the record open through 5-17-95 so that additional pertinent information could be added to the record of this case. I was a party to the hearing of 5-10-95 and wish to take this opportunity to supplement the case record.

The inclusion in the UGB of this approximately 2.8 acres of privately held land (the other 2.55 acres are state R-O-W) will meet all the listed criteria for locational adjustments to the UGB listed in the METRO code as both METRO and Washington County Planning staffs have indicated in their staff reports.

The Hearings Officer stated on 5-10-95 that he felt addition supporting information for my contention that this UGB inclusion would be superior to the UGB as presently located would strengthen our case. I have considered several methodologies to organize this discussion, all of which start with the fact that these three small commercially developed parcels have been commercial for over one hundred years. This land, the southern half of old downtown Reedville, probably never has been farmed. The original Tualatin Valley Highway R-O-W, just south of these properties provided access to this already viable commercial (grain storage and sales, feed and hardware sales, lumber manufacture and sales) property prior to the railroad being built towards the end of the last century. The tracks were installed to the south between the old highway and these properties and a passenger terminal was built on this same land. The Tualatin Valley Highway was moved to the north of these properties after the turn of the century. The successful electric passenger train, the interurban streetcars as it was known, of the early 1900's was later replaced by the bus line. There are three stops adjacent to these properties for today's bus service. I've been told by TRI-MET that the 57 Bus Line, the Tualatin Valley Highway line through Reedville, is the most successful of all regional buses. In fact it is said that this line almost pays its operational expenses from receipts, the only line to do so. In other

May 15, 1995

To: Stuart Todd  
METRO Planning  
600 NE Grand Avenue  
Portland, Or 97232-2736

From: Steve Larrance  
20660 SW Kinnaman Rd.  
Aloha, Or.. 97007  
649-3482

RE: UGB Amendment Petition case 95-1 Harvey/Wa. Co.  
Supplement Record of 5-10-95 Hearing

Stuart,

As you know, the Hearings Officer, Larry Epstein held the record open through 5-17-95 so that additional pertinent information could be added to the record of this case. I was a party to the hearing of 5-10-95 and wish to take this opportunity to supplement the case record.

The inclusion in the UGB of this approximately 2.8 acres of privately held land (the other 2.55 acres are state R-O-W) will meet all the listed criteria for locational adjustments to the UGB listed in the METRO code as both METRO and Washington County Planning staffs have indicated in their staff reports.

The Hearings Officer stated on 5-10-95 that he felt addition supporting information for my contention that this UGB inclusion would be superior to the UGB as presently located would strengthen our case. I have considered several methodologies to organize this discussion, all of which start with the fact that these three small commercially developed parcels have been commercial for over one hundred years. This land, the southern half of old downtown Reedville, probably never has been farmed. The original Tualatin Valley Highway R-O-W, just south of these properties provided access to this already viable commercial (grain storage and sales, feed and hardware sales, lumber manufacture and sales) property prior to the railroad being built towards the end of the last century. The tracks were installed to the south between the old highway and these properties and a passenger terminal was built on this same land. The Tualatin Valley Highway was moved to the north of these properties after the turn of the century. The successful electric passenger train, the interurban streetcars as it was known, of the early 1900's was later replaced by the bus line. There are three stops adjacent to these properties for today's bus service. I've been told by TRI-MET that the 57 Bus Line, the Tualatin Valley Highway line through Reedville, is the most successful of all regional buses. In fact it is said that this line almost pays its operational expenses from receipts, the only line to do so. In other

words the wise regional public transportation facilities planning from the beginning, over 125 years ago, relied on these urbanized properties as a public destination to be utilized to best serve the commercial and residential public. Enough said about the factual history of the role these properties have played and continued to play in transportation planning in urban Washington County and the region.

The symbiotic relationships between successful regional urban public utilities and these properties does not stop with transportation. As might be expected, once you know the history of this long urbanized parcel, this property is flanked and crisscrossed with major public utility service lines and interconnects. The following is a partial list: the main water tunnel connecting Washington County to the Bull Run System, two large Unified Sewerage Agency pump lines serving the whole urban area of the Butternut Creek drainage area connecting directly to the Rock Creek Treatment Plant, a very large water interconnect linking the Hillsboro and Beaverton water systems and the North/South BPA high voltage transmission line towers over this parcel. So not only are these properties able to obtain individual access to urban services, these properties also have enabled the whole urbanized area to be served without extending those urban services outside the then existing UGB.

One could also argue this case from the point of view that Land Use Planning, as we have known it since the adoption of the UGB and the adoption of the Community Plans and Comprehensive Plan in Washington County in 1983, is a public service and a very large and successful public investment. I say investment meaning both monetarily and also societally in time spent to first devise a plan that recognized longstanding uses and future potentials and equally important the public's time was spent to gain consensus locally that eventually added up to county-wide then state-wide acceptance. I can guarantee, because I chaired CPO#6 at the time, that the adopted urban Aloha, Reedville, Cooper Mt. Community Plan that does contain these urban designated properties within the UGB would not have gained local acceptance had these properties been omitted. The omission of old downtown Reedville would have been the only such omission of an historic urban downtown in the county, region and probably state. So, as stated in the METRO code, 3.01.35 (c) (1) public facilities and services, include but are not limited to "water, sewerage, storm drainage, transportation, parks and open space", Land Use Planning is a public service. It may be the most important public service since the public had the most involvement in the initial adopted plans and still today holds a great deal of power regarding implementation of public policy. And well they should, as Land Use Planning is our road to the future and with it the inherent necessity for public acceptance. How much is a completed Community Planning process worth in dollars and in the partnerships evolved? For those of us who daily walked that path for years it was a gratifying but grueling experience, not one that many people volunteered for then when we could not see the many uphill grades ahead, and most certainly not a path that today many would choose. We do not want to rewrite our Community Plan and it will be incomplete without this 2.8 acres. We can't rewrite history. We can't say this parcel has not been important to the urbanization of our community before and after the adoption of the UGB and into the future. Our Community Planning effort should not

be wasted. The inclusion inside the UGB of these parcels is better use of the public service, Land Use Planning, past present and future.

I'm wondering when and with reference to which criteria these parcels were removed from the UGB? We were not notified.

I'm wondering what the public thinks about how much public money and time has been spent on regaining urban status for these long urbanized 2.8 acres? Even the public agencies involved think this process has been wasteful.

I'm thinking back to the 1970's promise of state-wide Land Use Planning and of those same words used again in an Oregonian editorial just the other day, "surety in process", for surely there has been no surety for these parcels since sometime in 1993 when the mapping error excluding them from our UGB occurred.

Sincerely,

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

M E M O R A N D U M

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1700 | FAX 503 797 1797



METRO

DATE: July 24, 1995  
TO: All interested parties  
FROM: Cathy Ross, Assistant to the Presiding Officer *CR*  
RE: Exhibit A for Resolution No. 95-2176

\*\*\*\*\*

The attached exhibit A to Resolution No. 95-2176 was inadvertently omitted from the agenda packet for the Metro Council meeting dated July 27, 1995.

Thank you.

**SUMMARY OF 2040 IMPLEMENTATION FUND RECOMMENDATION**

| <b>Funds Available</b> |                     | <b>Metro/ODOT Staff Recommendation</b> |                        |                                    |
|------------------------|---------------------|--|------------------------|------------------------------------|
| State & Reg. STP       | \$27,190,000        |  |                        |                                    |
| Old FAU Funds          | \$833,000           | <i>Jurisdiction</i>                    | <i>Recom'nd Amount</i> | <i>Range Considered (millions)</i> |
| Residual CMAQ          | \$207,000           |  |                        |                                    |
| <b>Subtotal</b>        | <b>\$28,230,000</b> | Clackamas Co.                          | 5.000                  | \$4.057 - \$5.569                  |
| Allocated              | (\$1,029,000)       | City of Portland                       | 4.743                  | \$4.375 - \$5.489                  |
| Res. No. 95-2139A      |                     | E. Multnomah Co.                       | 2.426                  | \$2.307 - \$2.625                  |
| <b>BALANCE</b>         | <b>\$27,201,000</b> | Washington Co.                         | 4.290                  | \$3.739 - \$4.296                  |
|                        |                     | Regional                               | 10.765                 | \$11.000 - \$11.600                |
|                        |                     | <b>TOTAL</b>                           | <b>27.224</b>          |                                    |

**MODAL ALLOCATIONS**

|                 | Bike         | Ped          | TOD           | TDM          | Road Re-Construct | Road Exp      | Freight      | Transit     | Study        | TOTAL         |
|-----------------|--------------|--------------|---------------|--------------|-------------------|---------------|--------------|-------------|--------------|---------------|
| Recommended     | 1.440        | 1.015        | 6.708         | 0.359        | 5.494             | 9.306         | 1.737        | 0.320       | 0.845        | 27.224        |
| Next Priority   | 0.296        | 0.000        | 5.000         | 0.433        | 2.034             | 3.033         | 0.000        | 1.350       | 0.060        | 12.206        |
| Not Recommended | 2.060        | 1.687        | 3.157         | 1.006        | 1.200             | 2.893         | 0.897        | 0.000       | 0.209        | 13.109        |
| <b>TOTAL</b>    | <b>3.796</b> | <b>2.702</b> | <b>14.865</b> | <b>1.798</b> | <b>8.728</b>      | <b>15.232</b> | <b>2.634</b> | <b>1.67</b> | <b>1.114</b> | <b>52.539</b> |

**KEY TO FOLLOWING TABLES:**

**Project Category:**

- Road Exp = Road Expansion
- Reconstruct = Roadway Reconstruction
- Bike = Bicycle Project
- Ped = Pedestrian Project
- Transit = Transit projects (only one transit project was included on the short list)

- TDM = Transportation Demand Management (including Transportation Management Associations, or TMAs)
- TOD = Transit Oriented Development Projects and Programs
- Freight = Freight and Intermodal (e.g. truck to rail) Projects
- Study = Miscellaneous, unranked planning projects

**Category Rank =**

The technical rank a project received relative to other projects in the same category (e.g., 1/16 = 1st ranked of 16 Road Expansion projects)

**Category Technical Score =**

The technical score received by a project according to its specific mode criteria (e.g., a bike project score of 78" is only very roughly equivalent to a Road Expansion project score of "78".)

\*Supplemental technical data, beyond technical score, available from Metro upon request.



**REGION 2040 IMPLEMENTATION PROGRAM**  
**REGIONAL ALLOCATION**  
*Regional Share Target:*  
**\$11,000,000 - \$11,600,000**

| <u>Recommended Projects</u>                    | Request       | Recom'nd      | Project Category | Category Rank | Technical Score | Comments   |
|--|---------------|---------------|------------------|---------------|-----------------|--|
| Metro Planning                                 | 0.525         | 0.525         | Study            | NA            | NA              | FY 97 funding  |
| Commodity Flow Analysis                        | 0.225         | 0.225         | Study            | NA            | NA              |  |
| Technical Assistance                           | 0.075         | 0.075         | Study            | NA            | NA              |  |
| I-5/217/Kruse Way Study                        | 0.060         | 0.020         | Study            | NA            | NA              | Regional share of Study cost increase                                    |
| Tri-Met Transit Task Force                     | 0.320         | 0.320         | Transit          | NA            | NA              |  |
| Metro TOD Revolving Fund                       | 4.500         | 3.000         | TOD              | 1/7           | 88              |  |
| Tri-Met Regional TDM Program                   | 0.718         | 0.359         | TDM              | 1/7           | 88              | FY 98 funding  |
| Columbia/Burgard Intersection                  | 0.887         | 0.887         | Freight          | 1/4           | 85              | PE may already be funded (net requirement of \$747,000)                  |
| NE Columbia Blvd Improvements                  | 0.250         | 0.250         | Freight          | 4/4           | 75              |  |
| Hawthorne Bridge Deck                          | 5.159         | 3.125         | Reconstruct      | 2/3           | 75              | Phase 1: outer lanes only  |
| Barbur Bike Lanes                              | 1.440         | 1.440         | Bike             | 3/4           | 88              | #1 Hawthorne bike lanes need redeck first; #2 Walker Rd is local project |
| Ramp Meter Infill: I-5/I-84 (6 locations)      | 0.449         | 0.449         | Road Exp         | 2/16          | 90              |  |
| Ramp Meter Infill: Front/SB I-5                | 0.090         | 0.090         | Road Exp         | 2/16          | 90              |  |
| <b>Subtotal</b>                                | <b>14.698</b> | <b>10.765</b> |                  |               |                 |  |
| <b><u>Not Recommended for 2040 Funding</u></b> |               |               |                  |               |                 |  |
| Hawthorne Bike Lanes                           | 1.560         | 0.000         | Bike             | 1/4           | 100             | Requires coord. with Redeck PE   |
| N. Lombard Railroad Overcrossing (PE)          | 0.897         | 0.000         | Freight          | 3/4           | 78              |  |
| ODOT ATMS Arterial Signal Optimization:        |               |               | Road Exp         |               |                 |  |
| Sandy Blvd (11th - 82nd)                       | 0.167         | 0.000         |                  | 13/16         | 69              |  |
| Powell Blvd (7th - 92nd)                       | 0.050         | 0.000         |                  | 15/16         | 63              |  |
| TV Hwy (Beaverton - Hillsboro)                 | 0.250         | 0.000         |                  | 6/16          | 84              |  |
| Division Street (60th - 257th)                 | 0.186         | 0.000         |                  | 5/16          | 84              |  |
| Westside Station Area Planning                 | 0.209         | 0.000         | Study            | NA            | NA              | Pursue TGM grant funding.  |
| <b>Subtotal</b>                                | <b>3.319</b>  | <b>0.000</b>  |                  |               |                 |  |
| <b>Grand Total</b>                             | <b>18.017</b> | <b>10.765</b> |                  |               |                 |  |

**CLACKAMAS COUNTY**

*Target Range:*  
\$4,057,000 - \$5,569,000

| <u>Recommended Projects</u>                      | <u>Request'd Amount</u> | <u>Recm'nd Amount</u> | <u>Project Category</u>     | <u>Category Rank</u> | <u>Category Technical Score</u> |
|--|-------------------------|-----------------------|-----------------------------|----------------------|---------------------------------|
| Sunnyside Road Widening (Sunnybrook/122nd)       | 5.000                   | 5.000                 | Road Exp                    | 1/16                 | 92                              |
| <b>Subtotal</b>                                  | <b>5.000</b>            | <b>5.000</b>          |                             |                      |                                 |
| <u>Next Priority</u>                             |                         |                       |                             |                      |                                 |
| Johnson Creek Blvd Ph. 2 - Clack. Co. Share      | 0.568                   | 0.000                 | Road Exp                    | 9/16                 | 78                              |
| <b>Subtotal</b>                                  | <b>0.568</b>            | <b>0.000</b>          |                             |                      |                                 |
| <u>Other Short List Projects Not Recommended</u> |                         |                       |                             |                      |                                 |
| Kruze Way Reconstruction                         | 1.200                   | 0.000                 | Reconstruct                 | 3/3                  | 61                              |
| Oregon City Transportation Management Asso.      | 0.140                   | 0.000                 | TDM                         | 3/7                  | 70                              |
| Milwaukie Transportation Management Asso.        | 0.283                   | 0.000                 | TDM                         | 7/7                  | 58                              |
| A Avenue Pedestrian Path (Lake Oswego)           | 0.007                   | 0.000                 | Ped                         | 5/6                  | 73                              |
| Clackamette Cove Study                           | 0.060                   | 0.000                 | No rank; pursue TGM funding |                      |                                 |
| <b>Subtotal</b>                                  | <b>1.690</b>            | <b>0.000</b>          |                             |                      |                                 |
| <b>Grand Total</b>                               | <b>7.258</b>            | <b>5.000</b>          |                             |                      |                                 |

**CITY OF PORTLAND**

*Target Range:*  
\$4,375,000 - \$5,489,000

| <u>Recommended Projects</u>                       |               |              |             |       |    |
|---|---------------|--------------|-------------|-------|----|
| Lovejoy Ramp Replacement (PE)                     | 1.054         | 1.054        | TOD         | 2/7   | 85 |
| Hillsdale Pedestrian Improvements (Ph. 1)         | 0.520         | 0.520        | Ped         | 2/6   | 85 |
| Front Avenue Reconstruction/Bike Lane             | 2.369         | 2.369        | Reconstruct | 1/3   | 85 |
| Woodstock Pedestrian Improvement                  | 0.200         | 0.200        | Ped         | 1/6   | 90 |
| Albina Railroad Overcrossing (PE)                 | 0.600         | 0.600        | Freight     | 2/4   | 81 |
| <b>Subtotal</b>                                   | <b>4.743</b>  | <b>4.743</b> |             |       |    |
| <u>Next Priority</u>                              |               |              |             |       |    |
| Johnson Creek Blvd Ph. 2 (City of Portland Share) | 0.265         | 0.000        | Road Exp    | 9/16  | 78 |
| Water Avenue Extension                            | 1.600         | 0.000        | Road Exp    | 12/16 | 71 |
| Swan Island Transportation Management Asso.       | 0.150         | 0.000        | TDM         | 4/7   | 70 |
| Broadway/Weidler Transit Oriented Development     | 2.500         | 0.000        | TOD         | 6/7   | 56 |
| <b>Subtotal</b>                                   | <b>4.515</b>  | <b>0.000</b> |             |       |    |
| <u>Other Short List Projects Not Recommended</u>  |               |              |             |       |    |
| Central City Transportation Management Asso.      | 0.300         | 0.000        | TDM         | 2/7   | 85 |
| Gateway Bike Access Improvements                  | 0.132         | 0.000        | Bike        | 4/4   | 83 |
| Hollywood Bike Access Improvements                | 0.368         | 0.000        | Bike        | 4/4   | 83 |
| Cully Blvd Pedestrian Improvements                | 1.680         | 0.000        | Ped         | 4/6   | 73 |
| <b>Subtotal</b>                                   | <b>2.480</b>  | <b>0.000</b> |             |       |    |
| <b>Grand Total</b>                                | <b>11.738</b> | <b>4.743</b> |             |       |    |

**E. MULTNOMAH COUNTY/GRESHAM**

*Target Range:*  
**\$2,307,000 - \$2,625,000**

| <u>Recommended Projects</u>                  | <u>Request'd Amount</u> | <u>Recm'nd Amount</u> | <u>Project Category</u> | <u>Category Rank</u> | <u>Technical Score</u> |
|--|-------------------------|-----------------------|-------------------------|----------------------|------------------------|
| Civic Neighborhood North/South Collector     | 1.844                   | 1.844                 | TOD                     | 3/7                  | 68                     |
| 238th & Halsey Intersection Improvement      | 0.377                   | 0.377                 | Road Exp                | 6/16                 | 83                     |
| Springwater Corridor Access (at 190th)       | 0.205                   | 0.205                 | Ped                     | 6/6                  | 70                     |
| <b>Subtotal</b>                              | <b>2.426</b>            | <b>2.426</b>          |                         |                      |                        |
| <b>Next Priority</b>                         |                         |                       |                         |                      |                        |
| Civic Neighborhood LRT Station               | 1.350                   | 0.000                 | Transit                 | 1/1                  | 100                    |
| Gresham Transportation Management Asso.      | 0.283                   | 0.000                 | TDM                     | 5/7                  | 58                     |
| Foster Road Improvement (at Jenne and 162nd) | 0.600                   | 0.000                 | Road Exp                | 16/16                | 63                     |
| <b>Subtotal</b>                              | <b>2.233</b>            | <b>0.000</b>          |                         |                      |                        |
| <b>Grand Total</b>                           | <b>4.659</b>            | <b>2.426</b>          |                         |                      |                        |

**WASHINGTON COUNTY**

*Target Range:*  
**\$3,739,000 - \$4,296,000**

| <u>Recommended Projects</u>                          | <u>Request'd Amount</u> | <u>Recm'nd Amount</u> | <u>Project Category</u>            | <u>Category Rank</u> | <u>Technical Score</u> |
|--|-------------------------|-----------------------|------------------------------------|----------------------|------------------------|
| Greenburg Road at Hwy 217 Intersection Improvement   | 0.359                   | 0.359                 | Road Exp                           | 2/16                 | 90                     |
| 99W/Tualatin Rd Intersection Realignment (Ph 1)      | 4.486                   | 3.000                 | Road Exp                           | 5/16                 | 88                     |
| Pacific Avenue Pedestrian Improvement (Forest Grove) | 0.090                   | 0.090                 | Ped                                | 3/6                  | 83                     |
| Murray S. Signal Interconnection/Optimization        | 0.031                   | 0.031                 | Road Exp                           | 7/16                 | 78                     |
| Mill Street/Henry Avenue Improvements (PE & ROW)     | 1.741                   | 0.810                 | TOD                                | 4/7                  | 68                     |
| <b>Subtotal</b>                                      | <b>6.707</b>            | <b>4.290</b>          |                                    |                      |                        |
| <b>Next Priority</b>                                 |                         |                       |                                    |                      |                        |
| Hillsboro Garage Ground Floor Retail                 | 1.000                   | 0.000                 | TOD                                | 7/7                  | 43                     |
| Walker Road Bike Lane                                | 0.296                   | 0.000                 | Bike                               | 2/4                  | 83                     |
| Comelius/TV Hwy Study                                | 0.060                   | 0.000                 | Study; no rank; pursue TGM funding |                      |                        |
| <b>Subtotal</b>                                      | <b>1.356</b>            | <b>0.000</b>          |                                    |                      |                        |
| <b>Other Short List Projects Not Recommended</b>     |                         |                       |                                    |                      |                        |
| Scholls Ferry Rd Signal Interconnect/Optimization    | 0.031                   | 0.000                 | Road Exp                           | 11/16                | 71                     |
| Murray Blvd N. Signal Interconnect/Optimization      | 0.009                   | 0.000                 | Road Exp                           | 8/16                 | 78                     |
| Beaverton Creek TOD                                  | 2.221                   | 0.000                 | TOD                                | 5/7                  | 63                     |
| <b>Subtotal</b>                                      | <b>2.261</b>            | <b>0.000</b>          |                                    |                      |                        |
| <b>Grand Total</b>                                   | <b>10.324</b>           | <b>4.290</b>          |                                    |                      |                        |

MINORITY REPORT  
TRANSPORTATION PLANNING COMMITTEE

---

RESOLUTION NO. 95-2176A, AMENDING THE FY 95 TRANSPORTATION IMPROVEMENT PROGRAM TO ALLOCATE \$27 MILLION OF REGION 2040 IMPLEMENTATION FUNDS

---

Date: July 24, 1995

Presented by: Councilor Monroe

**MINORITY REPORT RECOMMENDATION:** Adopt Resolution 95-2176A as it was approved by JPACT. This would include changing an allocation for freight projects at the request of the Port of Portland, to use \$250,000 for the North Lombard Railroad Overcrossing project instead of the NE Columbia Blvd. Improvements project.

**DISCUSSION:** Resolution 95-2176 allocates \$27 million of state and federal transportation dollars for transportation projects throughout the region. The majority report from the Transportation Planning Committee recommends adding \$4 million to the \$3 million recommended for Metro's Transit-Oriented Development Revolving Fund (TOD Fund), with cuts to be made elsewhere to make up the difference. The recommendation of this minority report is to uphold the compromise funding package established through a long and thorough process.

The process for settling on an allocation for the \$27 million has been ongoing since last November. This has included numerous meetings of the Transportation Policy Alternatives Committee (TPAC), discussions at the Joint Policy Advisory Committee on Transportation (JPACT), briefings with the lead and support Councilors for transportation, and discussions at the Transportation Planning Committee.

Throughout this process, there has been opportunity for input from all local jurisdictions, from Metro representatives, and from the public. Public hearings were held to let the Metro Council and JPACT members hear which projects were of greatest concern to the public, and this testimony was considered in developing the final recommendation.

There has been ample opportunity to request an increase in the TOD Fund allocation since that project was reported in the spring to be eligible for funding. A change of the magnitude proposed in the majority report could have been considered on its merits with the rest of the funding requests under review.

Approval of the majority report would cause significant equity problems. There would either have to be a drastic reduction in regional projects to be funded, or else the goal of achieving geographic equity would not be met. The recommendations from our regional partners represent consensus and compromise: nobody got everything they wanted, and all jurisdictions with a stake in transportation funding had to accommodate the cuts.

The minority report recommendation is to uphold the process that was established by Metro for deciding the allocation of the region's transportation dollars. The Transportation Planning Committee participated in that process, giving guidance to Metro staff and TPAC in their deliberations. Metro should not now be the agency that overrides that process, which would be the result of approval of the majority report on this resolution. I urge the Council to reject the majority report, and approve Resolution 95-2176 as it was recommended to us by JPACT.



**METRO**

*Daniel B. Cooper*  
*Tele: (503) 797-1528*  
*FAX (503) 797-1792*

July 21, 1995

The Honorable Ruth McFarland  
Metro Presiding Officer  
600 N.E. Grand Avenue  
Portland, OR 97232

Re: Resolution No. 95-2176A/JPACT By-Laws

Dear Ruth:

Resolution No. 95-2176A is an amendment to the fiscal year 1995 Transportation Improvement Program (TIP) to allocate approximately \$27 million of Region 2040 Implementation funds to various local and regional projects. The resolution comes to the Metro Council after being approved by JPACT. Upon filing with the Council the resolution was referred to the Council Transportation Planning Committee which considered it at its meeting on July 18, 1995.

At the July 18 meeting the Transportation Planning Committee adopted a motion to recommend that the Council change the allocations to increase the amount allocated to the "Metro TOD revolving fund" by an additional \$4 million and to make reductions in other projects so that the total allocation of \$27.224 million shall not be exceeded.

The JPACT By-Laws adopted by the Metro Council and JPACT pursuant to Council Resolution No. 90-1189A require that the Metro Council either adopt the recommended action or refer it back to JPACT with a recommendation for amendment. (JPACT By-Laws, Article 3 Section 2(d)). This provision reflects the sharing of power between the Metro Council and JPACT which was a key basis for the designation of Metro as the Metropolitan Planning Organization (MPO) pursuant to federal law.

The procedure the Council should follow if it wishes to adopt the Transportation Planning Committee recommendation would be to adopt a motion returning Resolution No. 95-2176A to JPACT with the Council's recommendation that Exhibit "A" be amended to reflect the change in priorities that the Council desires to adopt.

The Honorable Ruth McFarland  
July 20, 1995  
Page 2

The Council may not actually adopt Resolution No. 95-2176A with amendments, if the Council desires amendments be made it must refer the resolution back to JPACT for its action. Thereafter the resolution would be returned to the Metro Council for concurrence with the subsequent JPACT action.

In the alternative the Council may by approval of the Transportation Planning Committee minority report adopt Resolution No. 95-2176A as recommended by JPACT.

Yours very truly,



Daniel B. Cooper,  
General Counsel

gl  
1995

cc: Metro Council  
Mike Burton  
Andy Cotugno  
Casey Short ✓



## CITY of BEAVERTON


4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 TEL: (503) 526-2481 V/TDD FAX: (503) 526-2571

**ROB DRAKE**  
**MAYOR**

### MEMORANDUM

Date: July 27, 1995

To: METRO Council

From: Rob Drake   
Mayor of Beaverton

Re: The Mill/Henry Street Connection Project recommended to METRO Council by JPACT for funding from the 2040 Implementation Program

I regret I cannot be with you tonight to speak on behalf of the Mill/Henry Street Connection Project. The Project ranked third among the TOD projects considered for funding from the 2040 Implementation Program. A regional partnership will enable this Project to move forward. I recommend it to you wholeheartedly, as a member of JPACT and as Mayor of Beaverton.

I would like to share with you my thoughts about the Project. The Mill Avenue/Henry Street Connection will provide access to the Beaverton Central Light Rail Transit Station, access not now available. The City owns a nine acre site surrounding the Station and it is our intent to develop the site in phase with the opening of Light Rail Transit through Beaverton. We expect to lead Transit Oriented Development throughout the Beaverton Regional Center. The Mill/Henry Connection is a critical link in that process.

The Beaverton Regional Center is identified in the 2040 Transportation Criteria as a high priority location for transportation investments. The Mill/Henry Connection meets five of the six types of investments described in the Criteria as priority transportation investments.

I believe that this Project is an important regional commitment to building ridership and transit oriented development in the Beaverton Regional Center and will make a significant contribution to the success of Westside Light Rail.



FYI

## PLANNING COMMISSION COMMENTS ABOUT 2040

While the Tigard Planning Commission acknowledges the need for a regional plan to deal with growth, it strongly opposes portions of the existing 2040 plan. This plan will dramatically shift planning responsibility away from local government without either adequate analysis of its impacts on governance or adequate input from local government.

1. **Governance and Local Control** - The 2040 plan will require local jurisdictions to adopt elements of the 2040 plan into their comprehensive plans. This moves decision making further away from the people - citizens and property owners of a municipality - who will be affected by these decisions regarding land use and growth. It fundamentally changes the existing structure of how communities plan for their future. We are very concerned about the impact of this change. As far as we are aware, little if any study has been done about these impacts. How will city councils deal with angry citizens during a land use hearing? If a city is challenged in LUBA, who will pay for legal expenses for the municipality? Is the 2040 plan an unfunded mandate?

We believe that most citizens did not understand the effects of the metro charter vote and will view Metro's interference in the local planning process as just that.

Further, while Metro maintains municipalities have input through MPAC, having only one representative from one of the cities in Washington County is not adequate representation in making policies with which local governments will have to comply. Working with the cities, Metro must develop better ways for the cities to have meaningful input.

2. **Infrastructure and Transportation** - We are concerned about both the potential cost of infrastructure and its availability under this plan. While not always the case, retrofitting existing infrastructure can be more expensive than building new infrastructure. Have the infrastructure assumptions been tested to assure efficient use of public and private resources?

The 2040 plan relies heavily on transit, bikes, and walking to meet the region's transportation needs. We do not believe these will adequately address our transportation problems. 2040 must address transportation capacity issues in a cost efficient manner that does not leave the Washington County area hopelessly congested. Washington County area is still developing and may need to add arterial street capacity as is appropriate. 2040 should not prevent the construction of a complete regional street network. In fact, 2040 should not be implemented unless it can determine a way to mitigate traffic congestion.

3. **Growth Management and the Urban Growth Boundary** - We believe it is important to protect agricultural land from development, but much of the land right outside the boundary is not really farm land. It is mini estates. Even if Metro doubled the land

within the urban growth boundary, it would extend the Metro region to less than 1% of Oregon's land mass, hardly using up all the state resource land.

Limited land supply inside the urban growth boundary will increase the cost of land, thus making housing less affordable, and severely limiting the housing choices of our children.

The plan calls for each jurisdiction to bear its fair share of affordable housing. We are unclear what that means. Will the City of Tigard be required to subsidize affordable housing.

Read into Record

COX, LTR

Done  
I forgot  
to send into  
Records  
June 5, 1995



MORGAN, COX & SLATER, LTD.  
A REAL ESTATE SERVICES COMPANY

DATE RECD 7-19-95 ?  
 DATE FWD TO DM 7-19-95  
 Action:  
 READ   
 READ & RETURN TO \_\_\_\_\_  
 FYI   
 APPROVE \_\_\_\_\_  
 SIGN \_\_\_\_\_  
 OTHER ACTION Copy to Frego w Turpel

Mr. Don Morissette  
Metro Councilor  
600 NE Grand Avenue  
Portland, OR 97232-2736

Dear Mr. Morissette:

I am writing to you on behalf of the Commercial Council. The Commercial Council is currently made up of ten commercial real estate organizations, which collectively represent in excess of 2,508 commercial real estate professionals and firms. The Council was formed to coordinate the collective efforts of each of the individual commercial organizations to have a single voice to government, in order to make our voice heard and to demonstrate that there is a consensus in the commercial real estate community. Attached hereto, as a separate sheet, is a listing of the ten organizations that comprise the Commercial Council and their current and incoming leaders.

It has come to our attention that Metro has engaged in a study to quantify and qualify the residential land available for development within the current urban growth boundaries and the land that would be available based upon the new 2040 Plan. It has been represented to us that, as of this date, Metro has not employed such a study to deal with commercial and industrial land, which is therefore, the purpose of this letter.

We are extremely curious why Metro has chosen not to address the issue of developable commercial and industrial land; whether it be land for industrial, office, retail, or other commercial uses. Obviously, we believe it is important to understand the supply of developable land available for commercial uses and their assigned types according to the 2040 Plan, because that land is the basis from which future commercial expansion can occur to support the job base that will continue to feed the need for housing and the growth of the metro area. It is apparent that Metro's focus has been on housing, as evidenced by their current study of developable land for residential uses. We take exception to the fact that the commercial segment of the planning process has either been overlooked or ignored, as commercial industrial uses and their balance with housing is an equally important topic for study.

**Mr. Don Morissette**

**June 5, 1995**

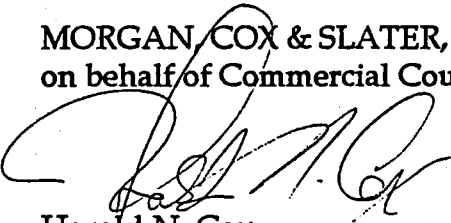
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Our group is available to meet with you and each of the other council members as appropriate, and further, will be available to act as a reviewing body to review a report on commercial and industrial developable land, when such a report is commissioned by Metro. We think this is a very important issue; one that needs to be put at the top of the agenda and dealt with.

We look forward to your comments and being able to interact with Metro on this issue in the very near future. Please feel free to contact any of the Commercial Council members on the attached listing directly, or you may contact the undersigned. Thank you for your response.

Sincerely,

**MORGAN COX & SLATER, LTD.**  
on behalf of Commercial Council



**Harold N. Cox**  
Council Member

HNC:jeh

cc: Commercial Council Members (per attached)