

# Metro | Agenda

Meeting: Metro Council  
Date: Thursday, May 1, 2014  
Time: 2 p.m.  
Place: Metro, Council Chamber

**REVISED 4/29/2014**

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## CALL TO ORDER AND ROLL CALL

### 1. INTRODUCTIONS

### 2. CITIZEN COMMUNICATION

### 3. CONSENT AGENDA

3.1 Consideration of the Council Minutes for April 24, 2014

3.2 **Resolution No. 14-4514**, For the Purpose of Adopting the Fiscal Year 2013-15 Unified Planning Work Program and Certifying that the Portland Metropolitan Area is in Compliance with the Federal Transportation Planning Requirements.

3.3 **Resolution No. 14-4521**, For the Purpose of Amending the Natural Areas Acquisition Refinement Plans for the Forest Park Connections, Abernethy and Newell Creeks, Clear Creek, East Buttes, Gresham-Fairview Trail, Sandy River Gorge, and Tryon Creek Linkages Target Areas.

### 4. CONTRACT REVIEW BOARD

4.1 **Resolution No. 14-4517**, For the Purpose of Approving a Contract Specific Special Procurement of Payroll Services for Stagehands Working at Portland's 5 Centers for the Arts.

**Tim Collier, Metro**

### 5. ORDINANCES - FIRST READ

5.1 **Ordinance No. 14-1329**, For the Purpose of Amending Title 4 of the Urban Growth Management Functional Plan Regarding the Establishment of Trails and Associated Facilities in Regionally Significant Industrial Areas.

### 6. CHIEF OPERATING OFFICER COMMUNICATION

### 7. COUNCILOR COMMUNICATION

## ADJOURN

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

**Television schedule for May1, 2014 Metro Council meeting**

<p><b>Clackamas, Multnomah and Washington counties, and Vancouver, WA</b>          Channel 30 – Community Access Network  <i>Web site:</i> <a href="http://www.tvctv.org">www.tvctv.org</a>  <i>Ph:</i> 503-629-8534  <i>Date:</i> Thursday, May 1</p>	<p><b>Portland</b>          Channel 30 – Portland Community Media  <i>Web site:</i> <a href="http://www.pcmv.org">www.pcmv.org</a>  <i>Ph:</i> 503-288-1515  <i>Date:</i> Sunday, May 4, 7:30 p.m.  <i>Date:</i> Monday, May 5, 9 a.m.</p>
<p><b>Gresham</b>          Channel 30 - MCTV  <i>Web site:</i> <a href="http://www.metroeast.org">www.metroeast.org</a>  <i>Ph:</i> 503-491-7636  <i>Date:</i> Monday, May 5, 2 p.m.</p>	<p><b>Washington County and West Linn</b>          Channel 30– TVC TV  <i>Web site:</i> <a href="http://www.tvctv.org">www.tvctv.org</a>  <i>Ph:</i> 503-629-8534  <i>Date:</i> Saturday, May 3, 11 p.m.  <i>Date:</i> Sunday, May 4, 11 p.m.  <i>Date:</i> Tuesday, May 6, 6 a.m.  <i>Date:</i> Wednesday, May 7, 4 p.m.</p>
<p><b>Oregon City and Gladstone</b>          Channel 28 – Willamette Falls Television  <i>Web site:</i> <a href="http://www.wftvmedia.org/">http://www.wftvmedia.org/</a>  <i>Ph:</i> 503-650-0275          Call or visit web site for program times.</p>	

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

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Agenda Item No. 3.1

**Consideration of the Council Summary for April 24, 2014**

*Consent*

Metro Council Meeting  
Thursday, May 1, 2014  
Metro, Council Chamber

Agenda Item No. 3.2

**Resolution No. 14-4514**, For the Purpose of Adopting the Fiscal Year 2013-15 Unified Planning Work Program and Certifying that the Portland Metropolitan Area is in Compliance with the Federal Transportation Planning Requirements.

*Consent*

Metro Council Meeting  
Thursday, May 1, 2014  
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE )  
FISCAL YEAR 2013-15 UNIFIED PLANNING )  
WORK PROGRAM AND CERTIFYING THAT )  
THE PORTLAND METROPOLITAN AREA IS IN )  
COMPLIANCE WITH THE FEDERAL )  
TRANSPORTATION PLANNING )  
REQUIREMENTS )

RESOLUTION NO. 14-4514

Introduced by Chief Operating Officer Martha  
Bennett with the concurrence of Council  
President Tom Hughes

WHEREAS, the Unified Planning Work Program (UPWP) update as shown in Exhibit A attached hereto, describes all Federally-funded transportation planning activities for the Portland-Vancouver metropolitan area to be conducted in FY 2013-15; and

WHEREAS, the FY 2013-15 UPWP indicates Federal funding sources for transportation planning activities carried out by Metro, Southwest Washington Regional Transportation Council, Clackamas County and its cities, Multnomah County and its cities, Washington County and its cities, TriMet, and the Oregon Department of Transportation; and

WHEREAS, approval of the FY 2013-15 UPWP is required to receive Federal transportation planning funds; and

WHEREAS, JPACT and Metro Council approved the 2013-15 UPWP in May of 2013 as a two year work plan and stipulated an update in 2014; and

WHEREAS, this resolution amends the FY 2013-15 UPWP including three new projects:

1. N/NE Quadrant & I-5 Broadway/Weidler Additional Analysis
2. Regional Intelligent Transportation Systems (ITS) Communications Master Plan
3. Regional Intelligent Transportation Systems (ITS) Architecture Update; and

WHEREAS, the FY 2013-15 UPWP is consistent with the proposed Metro Budget submitted to the Metro Council; and

WHEREAS, the federal self-certification findings in Exhibit B demonstrate Metro’s compliance with Federal planning regulations as required to receive Federal transportation planning funds; now therefore

BE IT RESOLVED by the Metro Council:

1. That the FY 2013-15 UPWP attached hereto as Exhibit A is hereby adopted.
2. That the FY 2013-15 UPWP is consistent with the continuing, cooperative, and comprehensive planning process and is given positive Intergovernmental Project Review action.
3. That Metro’s Chief Operating Officer is authorized to apply for, accept, and execute grants and agreements specified in the UPWP.

4. That staff shall update the UPWP budget figures, as necessary, to reflect the final Metro budget.
5. That staff shall submit the final UPWP and self-certification findings to the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA).

ADOPTED by the Metro Council this \_\_\_\_\_ day of May 2014.

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Tom Hughes, Council President

Approved as to Form:

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Alison R. Kean, Metro Attorney

This document is available online here.

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**FY 2013-15**

**Unified Planning Work Program - Update**

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**Transportation Planning in the  
Portland/Vancouver Metropolitan Area**

**May 1, 2014**

**Final Draft**

## **Metro Self-Certification**

### **1. Metropolitan Planning Organization Designation**

Metro is the Metropolitan Planning Organization (MPO) designated by the Governor for the urbanized areas of Clackamas, Multnomah and Washington Counties, and operates in accordance with 23 U.S.C. 134 and 49 U.S.C. 5303.

Metro is a regional government with six directly elected district councilors and a regionally elected Council President. Local elected officials of general purpose governments are directly involved in the transportation planning/decision process through the Joint Policy Advisory Committee on Transportation (JPACT). JPACT provides the “forum for cooperative decision-making by principal elected officials of general purpose governments” as required by USDOT and takes action on the Regional Transportation Plan (RTP), the Metropolitan Transportation Improvement Program (MTIP) and the Unified Planning Work Program (UPWP). The Metro Policy Advisory Committee (MPAC) deals with non-transportation-related matters and with the adoption and amendment to the Regional Transportation Plan (RTP). Specific roles and responsibilities of the committees are described on page 2.

### **2. Geographic Scope**

Transportation planning in the Metro region includes the entire area within the Federal-Aid Urban Boundary (FAUB). Metro updated the FAUB and Federal functional classification in January 2005 as recommended in Metro’s 2004 Federal Review. Additionally, as part of the 2035 RTP adopted in June 2010, the Metropolitan planning area boundaries were expanded to reflect the urbanized area defined by the 2000 Census to address a corrective action from the 2008 federal certification review. Work is currently underway to expand the Metropolitan planning area boundary to reflect the urbanized area defined by the 2010 Census and will be completed by December 2013.

### **3. Agreements**

- a. A Memorandum of Agreement between Metro and the Southwest Washington Regional Transportation Council (RTC) delineates areas of responsibility and coordination. Executed in April 2012, the Agreement will be updated in April 2015.
- b. In accordance with 23 CFR 450.314, an intergovernmental agreement (IGA) between TriMet, Oregon Department of Transportation (ODOT), and Metro was executed in July 2008, to be updated in June 2018.
- c. Yearly agreements are executed between Metro and ODOT defining the terms and use of FHWA planning funds.
- d. A Memorandum of Understanding between Metro and the Department of Environmental Quality (DEQ) describing each agency’s responsibilities and roles for air quality planning. Executed in August 2010, it will not need to be updated until August 2013.
- e. A Memorandum of Understanding between Metro and South Metro Area Regional Transit (SMART) outlining roles and responsibilities for implementing the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was updated in 2011 and is effective July 1, 2011, and will be updated in June 2014. It will be updated to reflect the changes from Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) federal legislation that was signed into law in July 2012.

### **4. Responsibilities, Cooperation and Coordination**

Metro uses a decision-making structure that provides state, regional, and local governments the opportunity to participate in the transportation and land use decisions of the organization. The two key committees are JPACT and MPAC. These committees receive recommendations from the Transportation Policy Alternatives Committee (TPAC) and the Metro Technical Advisory Committee (MTAC).



## **JPACT**

This committee is comprised of three Metro Councilors; seven locally elected officials representing cities and counties, and appointed officials from ODOT, TriMet, the Port of Portland, and DEQ. The State of Washington is also represented with three seats that are traditionally filled by two locally elected officials and an appointed official from the Washington Department of Transportation (WSDOT). All transportation-related actions (including Federal MPO actions) are recommended by JPACT to the Metro Council. The Metro Council can approve the recommendations or refer them back to JPACT with a specific concern for reconsideration. Final approval of each item, therefore, requires the concurrence of both bodies. As recommended by Metro's 2004 Federal Review, JPACT has designated a Finance Subcommittee to explore transportation funding and finance issues in detail, and make recommendations to the full committee. In FY 2007-08, JPACT completed the bylaw review recommended in Metro's 2004 Federal Review and clarified representation of South Metro Area Regional Transit representation on the committee.

## **MPAC**

This committee was established by the Metro Charter to provide a vehicle for local government involvement in Metro's planning activities. It includes eleven local elected officials, three appointed officials representing special districts, TriMet, a representative of school districts, three citizens, two non-voting Metro Councilors, two Clark County, Washington representatives and a non-voting appointed official from the State of Oregon. Under the Metro Charter, this committee has responsibility for recommending to the Metro Council adoption of or amendment to any element of the Charter-required RTP.

The Regional Framework Plan was adopted on December 11, 1997 and updated December 2005 and most recently in December 2010 and addresses the following topics:

- Transportation
- Land use (including the Metro Urban Growth Boundary (UGB))
- Nature in Neighborhoods
- Water supply and watershed management
- Natural hazards
- Coordination with Clark County, Washington
- Management and implementation

As part of the 2035 RTP adoptions there were specific changes made to the Regional Transportation Functional Plan. In accordance with this requirement, the transportation component of the Regional Framework Plan developed to meet Federal transportation planning regulations, the Oregon Transportation Planning Rule and Metro Charter requirements that require a recommendation from both MPAC and JPACT. This ensures integration of transportation with land use and environmental concerns.

## **5. Metropolitan Transportation Planning Products**

### **a. Unified Planning Work Program**

JPACT, the Metro Council, and the Southwest Washington RTC adopt the UPWP annually. It fully describes work projects planned for the Transportation Department during the fiscal year and is the basis for grant and funding applications. The UPWP also includes federally funded major projects being planned by member jurisdictions. These projects will be administered by Metro through intergovernmental agreements with ODOT and the sponsoring jurisdiction. As required by Metro's 2012 Federal Review, Congestion Management Process (CMP) and RTP update tasks were expanded in the UPWP narratives. The CMP was adopted as part of the 2035 RTP and can be found in Appendix 4.4. Also, Metro identified environmental justice tasks in the UPWP in the Environmental Justice and Title VI narrative and individual program narratives; elderly and disabled planning tasks have been identified in the Regional Transportation Plan program narrative.

**b. Regional Transportation Plan**

JPACT and the Metro Council approved the 2035 RTP in June 2010. The 2035 RTP includes a new policy for the purpose of transportation planning and project funding to address SAFETEA-LU provisions and key issues facing the region. The 2035 RTP establishes a new outcomes-based framework and new policies and tools to guide future planning and investment decisions. The plan includes a broad set of ambitious performance targets that are tied to the outcomes that the RTP is trying achieve. The targets and other performance measures included in the plan continue the region's shift away from reliance upon level-of-service as the primary measure for determining transportation needs and success of the plan's strategies. To successfully implement this new approach and make progress toward the six desired outcomes identified through the *Making the Greatest Place* effort, new actions, tools and collaboration are needed.

Finally, the 2035 RTP has three new system component plans: a Regional Transportation System Management and Operations Plan, a Regional Freight Plan and a Regional High Capacity Transit System Plan. These plans more fully articulate the integrated multi-modal regional transportation system and prioritize investments to improve the operations and efficiency of the existing transportation, improve freight reliability and strategically expand the HCT system to support 2040 Growth Concept implementation and meet other goals of the RTP. In addition, the Regional Transportation Functional Plan (RTFP) component of the RTP directs how local governments will implement the RTP.

As required by Metro's 2008 Federal Review, the 2035 update included documentation of the process for both full and administrative RTP amendments. A Regional Safety Workgroup was also formed in October 2009 to better address safety as part of Metro's planning process. The Safety Workgroup completed the Regional Transportation Safety Plan in May 2012. However, due to a lack of funding coordination of safety activities will continue on a limited basis as part of corridor planning activities and the Regional Mobility Program.

A new map was added to Chapter 1 of the RTP that identifies the MPO Planning Boundary and the Air Quality Maintenance Area Boundary. This boundary defines the area that the RTP applies to for Federal planning purposes. The boundary includes the area inside Metro's jurisdictional boundary, the 2008 UGB and the 2000 census defined urbanized area boundary for the Portland metropolitan region. Work is currently underway to update the boundary to reflect the 2010 census defined urbanized area boundary.

FHWA and FTA approved the 2035 RTP and the associated air quality conformity determination on February 29, 2008 and again in September 2010. Documentation of compliance with specific Federal planning requirements is summarized in subsequent sections of this document.

Work will begin in fiscal years 2013-15 to complete the 2014 RTP update.

**c. Metropolitan Transportation Improvement Program**

The MTIP update was adopted in March 2012 and incorporated into the 2012-15 State Transportation Improvement Program (STIP). The update included the allocation of \$71 million of Surface Transportation Program (STP) and Congestion Mitigation/Air Quality Program (CMAQ) funding, programming of projects for the ODOT Modernization, Bridge, Safety, Preservation, Operations, OTIA III, Enhancements, and Immediate Opportunity Fund projects and programming of transit funding. The first year of programming is considered the priority project funding for the region. Should any of these projects be delayed, projects of equivalent dollar value may be advanced from the second, third or fourth years of the program without processing formal Transportation Improvement Program (TIP) amendments. As recommended in Metro's 2004 Federal Review, the MTIP webpage was linked to ODOT's STIP page.

Work is currently underway to develop the 2015-18 MTIP. An adopted list of priority projects for regional flexible funds is expected in October 2013.

**6. Planning Factors**

Currently, Metro's planning process addresses the MAP-21 planning factors in all projects and policies. Table 1 below describes the relationship of the planning factors to Metro's activities and Table 2 outlines Metro's response to how the factors have been incorporated into the planning process. The MAP-21 planning factors are:

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity and efficiency;
2. Increase the safety of the transportation system for motorized and non-motorized users;
3. Increase the security of the transportation system for motorized and non-motorized users;
4. Increase the accessibility and mobility options available to people and for freight;
5. Protect and enhance the environment, promote energy conservation and improve quality of life;
6. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
7. Promote efficient management and operations; and
8. Emphasize the preservation of the existing transportation system.

As noted in Tables 1 and 2, Metro has reviewed and updated both the RTP and MTIP, and revised both documents to be compliant with MAP-21 planning requirements.

**Table 1: MAP-21 Planning Factors**

<b>Factor</b>	<b>System Planning (RTP)</b>	<b>Funding Strategy (MTIP)</b>	<b>High Capacity Transit (HCT)</b>
1. Support Economic Vitality	<ul style="list-style-type: none"> <li>• RTP policies linked to land use strategies that promote economic development.</li> <li>• Industrial areas and intermodal facilities identified in policies as "primary" areas of focus for planned improvements.</li> <li>• Comprehensive, multimodal freight improvements that link intermodal facilities to industry are detailed for the plan period.</li> <li>• Highway Level of Service (LOS) policy tailored to protect key freight corridors.</li> <li>• RTP recognizes need for freight linkages to destinations beyond the region by all modes.</li> </ul>	<ul style="list-style-type: none"> <li>• All projects subject to consistency with RTP policies on economic development and promotion of "primary" land use element of 2040 development such as centers, industrial areas and intermodal facilities.</li> <li>• Special category for freight improvements calls out the unique importance for these projects.</li> <li>• All freight projects subject to funding criteria that promote industrial jobs and businesses in the "traded sector."</li> </ul>	<ul style="list-style-type: none"> <li>• HCT plans designed to support continued development of regional centers and central city by increasing transit accessibility to these locations.</li> <li>• HCT improvements in major commute corridors lessen need for major capacity improvements in these locations, allowing for freight improvements in other corridors.</li> </ul>

**Table 1: MAP-21 Planning Factors**

<b>Factor</b>	<b>System Planning (RTP)</b>	<b>Funding Strategy (MTIP)</b>	<b>High Capacity Transit (HCT)</b>
2. Increase Safety	<ul style="list-style-type: none"> <li>• The RTP policies call out safety as a primary focus for improvements to the system.</li> <li>• Safety is identified as one of three implementation priorities for all modal systems (along</li> </ul>	<ul style="list-style-type: none"> <li>• All projects ranked according to specific safety criteria.</li> <li>• Road modernization and reconstruction projects are scored according to</li> </ul>	<ul style="list-style-type: none"> <li>• Station area planning for proposed HCT improvements is primarily driven by pedestrian access and safety considerations.</li> </ul>

**Table 1: MAP-21 Planning Factors**

Factor	System Planning (RTP)	Funding Strategy (MTIP)	High Capacity Transit (HCT)
	<p>with preservation of the system and implementation of the region's 2040-growth management strategy).</p> <ul style="list-style-type: none"> <li>• The Regional Safety Workgroup completed a safety plan for the Portland Metropolitan region in May 2012. Recommendations will continue to be implemented in 2013-2015 as resources become available.</li> <li>• The RTP includes a number of investments and actions aimed at further improving safety in the region, including:               <ul style="list-style-type: none"> <li>◦ Investments targeted to address known safety deficiencies and high-crash locations.</li> <li>◦ Completing gaps in regional bicycle and pedestrian systems.</li> <li>◦ Retrofits of existing streets in downtowns and along main streets to include on-street parking, street trees marked street crossings and other designs to slow traffic speeds to follow posted speed limits.</li> <li>◦ Intersection changes and ITS strategies, including signal timing and real-time traveler information on road conditions and hazards.</li> <li>◦ Expanding safety education, awareness and multi-modal data collection efforts at all levels of government.</li> <li>◦ Expand safety data collection efforts and create a better system for centralized crash data for all modes of travel.</li> </ul> </li> </ul>	<p>relative accident incidence.</p> <ul style="list-style-type: none"> <li>• All projects must be consistent with regional street design guidelines that provide safe designs for all modes of travel.</li> </ul>	

**Table 1: MAP-21 Planning Factors**

<b>Factor</b>	<b>System Planning (RTP)</b>	<b>Funding Strategy (MTIP)</b>	<b>High Capacity Transit (HCT)</b>
3. Increase Security	<ul style="list-style-type: none"> <li>• System security was incorporated into the 2035 RTP.</li> <li>• Security and emergency management activities are summarized in Section 1.6 of the 2035 RTP (Pages 1-38 – 1-40).</li> <li>• Policy framework in Section 2.3 of the 2035 RTP includes, “Goal 5: Enhance Safety and Security,” and specific security objectives and potential actions to increase security of the transportation system for all users.</li> <li>• Includes investments that increase system monitoring for operations, management and security of the regional mobility corridor system.</li> <li>• Actions direct Metro to work with local, state and regional agencies to identify critical infrastructure in the region, assess security vulnerabilities and develop coordinated emergency response and evacuation plans.</li> <li>• Actions direct transportation providers to monitor the regional transportation and minimize security risks at airports, transit facilities, marine terminals and other critical infrastructure.</li> </ul>		<ul style="list-style-type: none"> <li>• System security has been a routine element of the HCT program, and does not represent a substantial change to current practice.</li> </ul>

**Table 1: MAP-21 Planning Factors**

<b>Factor</b>	<b>System Planning (RTP)</b>	<b>Funding Strategy (MTIP)</b>	<b>High Capacity Transit (HCT)</b>
<p>4. Increase Accessibility</p>	<ul style="list-style-type: none"> <li>• The RTP policies are organized on the principle of providing accessibility to centers and employment areas with a balanced, multi-modal transportation system.</li> <li>• The policies also identify the need for freight mobility in key freight corridors and to provide freight access to industrial areas and intermodal facilities.</li> <li>• The plan emphasizes accessibility and reliability of the system, particularly for commuting and freight, and includes a new, more customized approach to managing and evaluating performance of mobility corridors. This new approach builds on using new, cost-effective technologies to improve safety, optimize the existing system, and ensure freight transporters and commuters have a broad range of travel options in each corridor.</li> </ul>	<ul style="list-style-type: none"> <li>• Measurable increases in accessibility to priority land use elements of the 2040-growth concept is a criterion for all projects.</li> <li>• The MTIP program places a heavy emphasis on non-auto modes in an effort to improve multi-modal accessibility in the region.</li> </ul>	<ul style="list-style-type: none"> <li>• The planned HCT improvements in the region will provide increased accessibility to the most congested corridors and centers.</li> <li>• Planned HCT improvements provide mobility options to persons traditionally underserved by the transportation system.</li> </ul>

**Table 1: MAP-21 Planning Factors (continued)**

Factor	System Planning (RTP)	Funding Strategy (MTIP)	High Capacity Transit (HCT)
<p>5. Protect Environment and Quality of Life</p>	<ul style="list-style-type: none"> <li>• The RTP is constructed as a transportation strategy for implementing the region's 2040-growth concept. The growth concept is a long-term vision for retaining the region's livability through managed growth.</li> <li>• The RTP system has been "sized" to minimize the impact on the built and natural environment.</li> <li>• The region has developed an environmental street design guidebook to facilitate environmentally sound transportation improvements in sensitive areas, and to coordinate transportation project development with regional strategies to protect endangered species.</li> <li>• The RTP conforms to the Clean Air Act.</li> <li>• Many new transit, bicycle, pedestrian and Transportation Demand Management (TDM) projects have been added to the plan to provide a more balanced multi-modal system that maintains livability.</li> <li>• RTP transit, bicycle, pedestrian and TDM projects will complement the compact urban form envisioned in the 2040 growth concept by promoting an energy-efficient transportation system.</li> <li>• Metro coordinates its system level planning with resource agencies to identify and resolve key issues.</li> <li>• The region's parking policies (Title 4 of the Regional Transportation Functional Plan) are also designed to encourage the use of alternative modes, and reduce reliance on the automobile, thus promoting energy conservation and reducing air quality impacts.</li> </ul>	<ul style="list-style-type: none"> <li>• The MTIP conforms to the Clean Air Act and continues to comply with the air quality maintenance plan in accordance with sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7605 (c) and (d)) and 40 CFR part 93.</li> <li>• The MTIP focuses on allocating funds for clean air (CMAQ), livability (Transportation Enhancement) and multi- and alternative modes (STIP).</li> <li>• Bridge projects in lieu of culverts have been funded through the MTIP to enhance endangered salmon and steelhead passage.</li> <li>• "Green Street" demonstration projects funded to employ new practices for mitigating the effects of storm water runoff.</li> </ul>	<ul style="list-style-type: none"> <li>• HCT improvements provide emission-free transportation alternatives to the automobile in some of the region's most congested corridors and centers.</li> <li>• HCT transportation alternatives enhance quality of life for residents by providing an alternative to auto travel in congested corridors and centers.</li> </ul>

**Table 1: MAP-21 Planning Factors (continued)**

Factor	System Planning (RTP)	Funding Strategy (MTIP)	High Capacity Transit (HCT)
6. System Integration/ Connectivity	<ul style="list-style-type: none"> <li>• The RTP includes a functional classification system for all modes that establishes an integrated modal hierarchy.</li> <li>• The RTP policies and Functional Plan include a street design element that integrates transportation modes in relation to land use for regional facilities.</li> <li>• The RTP policies and Functional Plan include connectivity provisions that will increase local and major street connectivity.</li> <li>• The RTP freight policies and projects address the intermodal connectivity needs at major freight terminals in the region.</li> <li>• The intermodal management system identifies key intermodal links in the region.</li> </ul>	<ul style="list-style-type: none"> <li>• Projects funded through the MTIP must be consistent with regional street design guidelines.</li> <li>• Freight improvements are evaluated according to potential conflicts with other modes.</li> </ul>	<ul style="list-style-type: none"> <li>• Planned HCT improvements are closely integrated with other modes, including pedestrian and bicycle access plans for station areas and park-and-ride and passenger drop-off facilities at major stations.</li> </ul>
7. Efficient Management & Operations	<ul style="list-style-type: none"> <li>• The policy component of the 2035 RTP includes specific provisions for efficient system management and operation (2035 RTP Goal 4), with an emphasis on TSM, ATMS and the use of non-auto modal targets (Table 2.5) to optimize the existing and planned transportation system.</li> <li>• The 2035 RTP included adoption of the Regional Transportation System Management and Operations (TSMO) Plan. The TSMO Plan includes project and corridor prioritization.</li> <li>• Proposed RTP projects include many system management improvements along regional corridors.</li> <li>• The plan also calls for consideration of value pricing in the region to better manage capacity and peak use of the throughway system. However, more work is needed to gain</li> </ul>	<ul style="list-style-type: none"> <li>• Projects are scored according to relative cost effectiveness (measured as a factor of total project cost compared to measurable project benefits).</li> <li>• TDM projects are solicited in a special category to promote improvements or programs that reduce single occupancy vehicle (SOV) pressure on congested corridors.</li> <li>• TSM/ITS projects are funded through the MTIP.</li> </ul>	<ul style="list-style-type: none"> <li>• Proposed HCT improvements include redesigned feeder bus systems that take advantage of new HCT capacity and reduce the number of redundant transit lines.</li> </ul>



**Table 1: MAP-21 Planning Factors (continued)**

Factor	System Planning (RTP)	Funding Strategy (MTIP)	High Capacity Transit (HCT)
	public acceptance of this tool.		

**7. Public Involvement**

Metro maintains a proactive public involvement process that provides complete information, timely public notice, and full public access to key decisions. Metro supports early and continuing involvement of the public in developing its policies, plans and programs. Public Engagement Plans are designed to both support the technical scope and objectives of Metro studies and programs while simultaneously providing for innovative, effective and inclusive opportunities for engagement. Every effort is made to employ broad and diverse methods, tools and activities to reach potentially impacted communities and other neighborhoods, and to encourage the participation of low-income and minority residents and organizations.

In November 2013, Metro Council adopted an updated Public Engagement Guide (formerly the Public Involvement Policy for Transportation Planning) and submitted it to Federal Highway Administration and Federal Transit Administration in compliance with 23 CFR 450.316(a) and FTA C 4702.1B. The guide reflects changes in the Moving Ahead for Progress in the 21st Century Act (MAP-21), and was adopted after considering comments received during a 45-day comment period on the guide.

All Metro UPWP studies and projects that have a public involvement component require a Public Engagement Plan (PEP) that follows the agency's Public Engagement Guide with input from Metro's advisory committees, including Metro's Public Engagement Review Committee. Included in individualized PIPs are strategies and methods to best involve a diverse constituency. Some of these may include special public opinion survey mechanisms, translation of materials for non-English speaking members of the community, citizen working committees or advisory committee structures, special task forces, web instruments and a broad array of public information materials. Hearings, workshops, open houses, charrettes and other activities are also held as needed. Since the Public Engagement Guide was developed, in large part, based on internal best practices, projects that began or completed their public involvement component prior to the adoption of the guide, such as the Southwest Corridor Plan Phase I and the East Metro Connections Plan, comply with the engagement practices outlined in the guide.

A combined strategy will engage the public on the 2014 RTP update, the 2015-18 MTIP and decisions for Climate Smart Communities. The work program and PEP for this combined engagement was developed with input from Metro's Advisory Committees, including Metro's Public Engagement Review Committee. The engagement strategy includes community forums, informal

and formal input opportunities as well as a 45-day+ comment period for the community, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested persons. Public involvement opportunities will be published in community newspapers, posted on Metro's web site, emailed via the Planning Department E-News to more than 4,500 individuals, and emailed to Metro's OptIn opinion panel. All plan documents will be published on the Metro website, including draft plan amendments, the update schedule, other explanatory materials and summaries of public comments received.

Title VI – In May 2012, FTA approved Metro's Title VI Program, which also includes a revised Limited English Proficiency Plan. This plan is now being implemented through updates to Metro's RTP and MTIP, and through corridor planning activities in the region. It includes both a non-discrimination policy and complaint procedure. On Aug. 30, 2013, Metro submitted a Title VI Compliance Report to ODOT, covering a 12 month period from July 1, 2012, through June 30, 2013. The next annual report will be due Aug. 30, 2014, covering July 1, 2013 to June 30, 2014. Early in public involvement processes, Metro analyzes the demographics of a program or project area for to begin engagement and begin to understand the potential concerns of minorities and people with limited English proficiency. This analysis informs the Public Engagement Plan for the program or project, each of which include sections addressing equitable outreach.

Environmental Justice – The intent of environmental justice (EJ) practices is to ensure the needs of minority and disadvantaged populations are considered and the relative benefits/impacts of individual projects on local communities are thoroughly assessed and vetted. Metro continues to expand and explore environmental justice efforts that provide early access to and consideration of planning and project development activities. Metro's EJ program is organized to communicate and seek input on project proposals and to carry those efforts into the analysis, community review and decision-making processes. In addition, Metro established an agency diversity action team. The team is responsible for identifying opportunities to collaboratively develop and implement sustainable diversity initiatives across and throughout the agency. Metro's diversity efforts are most evident in three areas: Contracts and Purchasing, Community Outreach, and Recruitment and Retention. Additionally, as part of Metro's Regional Flexible Fund Allocation (RFFA), a process Metro conducts every two years to distribute federal funding to regional programs and local projects, equity analysis and outreach was conducted. Over the years, Metro has worked to integrate equity considerations to a greater degree every cycle, with the 2016-18 allocation process being the strongest effort so far in ensuring that underserved populations are not only considered in the decision-making process, but that projects are developed around better meeting the needs of communities that have been traditionally underserved.

Efforts to develop an "equity lens" through which decisions are made in the region are ongoing, as are the challenges of applying this lens to everyday planning activities and analysis. This cycle of RFFA attempted to address equity by increasing our knowledge about underserved community transportation needs and access and where concentrations of communities in need are located. Local project applicants were provided this information to propose projects in areas that face the greatest transportation barriers in meeting daily needs of residents with the desired outcome of additional investment in areas of most need. Metro's increased focus on equity in this RFFA cycle reflects national and regional shifts in regulations and policies that emphasize the importance of increasing equity in our practices to better meet the needs of communities in the region and respond to shifting demographics.

Metro is developing new methodology to understand potential benefits and burdens of investments in the 2014 RTP and 2015-18 MTIP. A forum of community leaders addressing environmental justice issues will be held to further understand the data analysis. The technical findings and qualitative inquiry will be presented to Metro Advisory Committees and Metro Council as part of the decision-making processes for the plan and program.

**8. Disadvantaged Business Enterprise**

A revised Disadvantaged Business Enterprise (DBE) program was adopted by the Metro Council in June 1997 (Ordinance No. 97-692A).

Metro's DBE program was reviewed and submitted to FTA in August 1999. Metro currently piggybacks on ODOT's DBE program.

**9. Americans with Disabilities Act**

The Americans with Disabilities Act (ADA) Joint Complementary Paratransit Plan was adopted by the TriMet Board in December 1991 and was certified as compatible with the RTP by Metro Council in January 1992. The plan was phased in over five years and TriMet has been in compliance since January 1997. Metro approved the 1997 plan as in conformance with the RTP. FTA audited and approved the plan in summer 1999. The Special Transportation Funding Advisory Committee, staffed by TriMet, coordinated with Metro as the MPO in updating the Coordinated Human Services Transportation Plan adopted in June 2009. An update was completed in October 2012 (<http://trimet.org/pdfs/publications/elderly-and-disabled-plan.pdf>).

**10. Affirmative Action**

In accordance with 49 U.S.C. 5331, 42 U.S.C. 6101, Section 324 of title 23 U.S.C. and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27, Metro states as its policy a commitment to provide equal employment opportunities without regard to race, color, religion, national origin, sex, age, disability, sexual orientation, or marital or familial status, except where a bona fide occupational qualification exists. Compliance with this policy is administered by Metro's Human Resources Department.

**11. Construction Contracts**

Provisions of 23 CFR part 230 do not apply to Metro as Metro does not administer Federal and Federal-aid highway construction contracts.

**12. Lobbying**

Annually Metro certifies compliance with 49 CFR 20 through the FTA TEAM system.

**Table 2: Metro’s Response to MAP-21 Provisions**

<b>MAP-21 Provision for all MPOs</b>	<b>Metro Response</b>
<p><i>Consult/Coordinate with planning officials responsible for planned growth, economic development, environmental protection, airport operations, and freight movement.</i></p>	<p>Metro’s transportation planning and land-use planning functions are within the same department and coordinate internally.</p> <ul style="list-style-type: none"> <li>• Metro facilitates this consultation, coordination and decision-making through four advisory committee bodies –the Joint Policy Advisory Committee on Transportation (JPACT), the Metro Policy Advisory Committee (MPAC), the Transportation Policy Alternatives Committee (TPAC) and the Metro Technical Advisory Committee (MTAC). Metro consults MPAC on land-use activities.</li> <li>• Metro is a member of Regional Partners for Economic Development and endorsed the Consolidated Economic Development Strategy (CEDS).</li> <li>• Metro has implemented a fish and wildlife habit protection program through regulations, property acquisition, education and incentives.</li> <li>• Metro has a standing committee to coordinate with public agencies with environmental protection responsibility.</li> <li>• The Port of Portland manages the airport and marine terminal, and is represented on both TPAC and JPACT.</li> <li>• Metro also coordinated with freight, rail, airport operations and business interests through the Regional Freight and Goods Movement Task Force and Regional Freight and Goods Movement Technical Advisory Committee in developing a Regional Freight Plan. The Regional Freight Plan was adopted as part of the 2035 RTP in June 2010.</li> </ul>
<p><i>Promote consistency between transportation improvements and State and local planned growth and economic development.</i></p>	<p>Metro transportation and land-use planning is subject to approval by the Oregon Department of Land Conservation and Development.</p>
<p><i>Give safety and security due emphasis as separate planning factors.</i></p>	<p>Metro addressed security and safety as individual factors in the update to the RTP in 2010.</p> <ul style="list-style-type: none"> <li>• Separate background research papers were developed during Phase 2 of the update to document current safety issues and planning efforts, and current security planning efforts in the region. This research is included Appendix 7.0 was considered during the formulation of the 2035 RTP goals, objectives, projects and potential actions included in Chapter 2 and investment priorities in Chapter 3 of the 2035 RTP.</li> </ul> <p>Additionally, Metro staffs the Regional Emergency Management Group (REMG), which has expanded its scope to include anti-terrorism preparedness, TriMet’s responsibility for transit security plans, ODOT’s responsibility for coordination of state security plans, Port of Portland’s responsibility for air, marine and other Port facilities security plans and implementation of system management strategies to improve security of the transportation system (e.g., security cameras on MAX and at transit stations). The group brings together local emergency managers to plan responses to security concerns and natural hazards.</p>

	<p>Metro convened a Regional Safety Workgroup to better address safety in the MPO planning process. The Safety Workgroup completed a safety plan for the Portland Metropolitan region May 2012. Implementation will begin in fiscal years 2013-15 as resources become available.</p>
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**Table 2: Metro’s Response to MAP-21 Provisions (continued)**

<b>MAP-21 Provision for all MPOs</b>	<b>Metro Response</b>
<p><i>Discuss in the transportation plan potential environmental mitigation activities to be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.</i></p>	<p>SAFETEA-LU provisions for additional consultation with state and Federal resource agencies, and tribal groups that were not already part of Metro’s existing committee structure were met through a consultation meeting held on October 16, 2007 with the Collaborative Environmental Transportation Agreement for Streamlining (CETAS) work group, consisting of the Oregon Department of Transportation and ten state and Federal transportation, natural resource, cultural resource and land-use planning agencies. A background research paper was also developed during Phase 2 of the update to document current environmental trends, issues and current mitigation strategies in the region. This research was considered during the formulation of the 2035 RTP goals, objectives, projects and potential actions included in Chapter 2 and investment priorities in Chapter 3 of the 2035 RTP. In addition, staff conducted an analysis of the potential environmental effects of transportation investments. The background research report and environmental considerations analysis is included in Appendix 7.0.</p>
<p><i>Consult with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation in development of the transportation plan.</i></p>	<p>SAFETEA-LU provisions for additional consultation with state and Federal resource agencies, and tribal groups that were not already part of Metro’s existing committee structure were met through a consultation meeting held on October 16, 2007 with the Collaborative Environmental Transportation Agreement for Streamlining (CETAS) work group, consisting of the Oregon Department of Transportation and ten state and Federal transportation, natural resource, historic, cultural resource and land-use planning agencies.</p> <p>A background research paper was also developed during Phase 2 of the update to document current environmental trends, issues and mitigation strategies in the region. This research was considered during the formulation of the 2035 RTP goals, objectives, projects and potential actions included in Chapter 2 and investment priorities in Chapter 3 of the 2035 RTP. In addition, staff conducted an analysis of the potential environmental effects of transportation investments – this analysis included a comparison of the RTP investments with available State Conservation maps and inventories of historic resources. The background research report and environmental considerations analysis is included in Appendix 7.0.</p>

**Table 2: Metro's Response to MAP-21 Provisions (continued)**

<b>MAP-21 Provision for all MPOs</b>	<b>Metro Response</b>
<p><i>Include operation and management strategies to address congestion, safety, and mobility in the transportation plan.</i></p>	<ul style="list-style-type: none"> <li>• System management policies in the RTP (2035 RTP Section 3.4.4) and resulting projects and programs are intended to maximize the use of existing facilities to address congestion, safety and mobility.</li> <li>• The Transportation System Management and Operations (TSMO) Plan was adopted as part of the 2035 RTP in June 2010. The TSMO Plan guides the region's continued investment in operation, management and data collection to invest efficiently in transportation.</li> <li>• The regional CMP also requires local jurisdictions to explore system management solutions before adding roadway capacity to the regional system. The key framework for the CMP was the Mobility Corridors identified as part of the 2035 RTP development. Chapter 4 of the 2035 RTP lays out specific strategies for each mobility corridor for addressing the goals and policies of the RTP. The CMP can be found in Appendix 4.4 of the 2035 RTP.</li> <li>• The plan also calls for consideration of value pricing in the region to better manage capacity and peak use of the throughway system.</li> <li>• RTP projects in Chapter 3 include many system management improvements along regional mobility corridors and the supporting arterial system.</li> <li>• Metro has established a Regional Transportation Options Committee as a subcommittee of TPAC to address demand management. The TransPort Committee is a subcommittee of TPAC to address ITS and operations.</li> <li>• Metro convened a Regional Safety Workgroup to better address safety in the MPO planning process. The Safety Workgroup completed a safety plan for the Portland Metropolitan region May 2012. Implementation will begin in fiscal years 2013-15 as resources become available.</li> </ul>

**Table 2: Metro’s Response to MAP-21 Provisions (continued)**

<b>MAP-21 Provision for all MPOs</b>	<b>Metro Response</b>
<p><i>Develop a participation plan in consultation with interested parties that provides reasonable opportunities for all parties to comment on transportation plan.</i></p>	<p>Metro has public involvement policy for regional transportation planning and funding activities to support and encourage board-based public participation in development and review of Metro’s transportation plans. The Transportation Planning Public Involvement Policy was last updated in June 2009. An update is currently underway and will be completed by December 2013.</p> <p>The work program and public participation plan (PPP) for the 2035 RTP update was developed with input from Metro’s Advisory Committees, including Metro’s Committee for Citizen Involvement.</p> <p>Approval of the 2035 RTP, Ordinance No. 10-1241B, followed JPACT and Metro Council consideration of approximately 300 comments received during the public comment period. The comments were summarized into a comment log and Public Comment Summary Report. Refinements were recommended to respond to the comments received. The comment period for the Air Quality Conformity Determination provided an opportunity for public review and comment on the air quality conformity methodology and results.</p> <p><i>Appendix 4.3 in the 2035 RTP describes the public process in more detail.</i></p>
<p><i>Employ visualization techniques to describe plan and make information available (including transportation plans) to the public in electronically accessible format such as on the Web.</i></p>	<p>On a regular basis, Metro employs visualization techniques. Examples include:</p> <ul style="list-style-type: none"> <li>• RTP document is available on Metro’s website</li> <li>• RTP newsletters and maps</li> <li>• MTIP document is available on Metro’s website</li> <li>• GIS maps to illustrate planning activities</li> <li>• Participation in FHWA GIS Web Training</li> </ul> <p>Video simulation of light rail on the Portland Mall and I-205 Corridor.</p>
<p><i>Update the plan at least every 4 years in non-attainment and maintenance areas, 5 years in attainment areas.</i></p>	<p>2035 RTP update was completed on June 10, 2010. An update of the RTP is currently underway and will be completed by June 2014.</p>
<p><i>Update the TIP at least every 4 years, include 4 years of projects and strategies in the TIP.</i></p>	<p>Initiated MTIP and STIP update for spring 2012. Work is currently underway on the 2015-18 MTIP. It will be completed by October 2014.</p>
<p><i>SAFETEA-LU includes a new requirement for a “locally developed, coordinated public transit/human services transportation plan” to be eligible for formula funding under three FTA grant programs (5310,5316,5317) It is not clear yet who will be responsible for these plans.</i></p>	<p>Metro participates on the Special Transportation Fund Advisory Committee and Regional Transportation Coordinating Council of the Elderly and Disabled Transportation Plan. A coordinated human services and public transportation plan was developed by those committees and has been integrated into the 2010 RTP update. TriMet recently completed an update to the Elderly and Disable Transportation Plan in October 2012. Components of this will be incorporated into the 2014 RTP update.</p>

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4514, FOR THE PURPOSE OF ADOPTING THE FISCAL YEAR 2013-15 UNIFIED PLANNING WORK PROGRAM AND CERTIFYING THAT THE PORTLAND METROPOLITAN AREA IS IN COMPLIANCE WITH THE FEDERAL TRANSPORTATION PLANNING REQUIREMENTS

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Date: March 19, 2014

Prepared by: Chris Myers  
(503) 813-7554

## BACKGROUND

The Unified Planning Work Program (UPWP) is developed annually by Metro as the Metropolitan Planning Organization (MPO) for the Portland Metropolitan Area. It is a federally-required document that serves as a guide for transportation planning activities to be conducted over the course of each fiscal year, beginning on July 1<sup>st</sup>. Included in the UPWP are detailed descriptions of the transportation planning tasks, listings of various activities, and a summary of the amount and source of state and federal funds to be used for planning activities. The UPWP is developed by Metro with input from local governments, TriMet, ODOT, FHWA, and FTA.

Every four years, Metro as the MPO, undergoes certification review with (Federal Transit Administration [FTA] and Federal Highway Administration [FHWA]) to ensure compliance with federal transportation planning requirements. The next quadrennial certification review will take place in 2016. In the intervening years Metro undergoes a required self-certification process, with the FHWA and FTA, to ensure Metro's planning process is in compliance with certain Federal requirements as a prerequisite to receiving Federal funds.

The self-certification documents that we have met those requirements and is considered yearly at the time of Unified Planning Work Program (UPWP) approval. Required self-certification areas include:

- Metropolitan Planning Organization (MPO) designation
- Geographic scope
- Agreements
- Responsibilities, cooperation and coordination
- Metropolitan Transportation Planning products
- Planning factors
- Public Involvement
- Title VI
- Environmental Justice
- Disadvantaged Business Enterprise (DBE)
- Americans with Disabilities Act (ADA)
- Affirmative Action
- Construction Contracts
- Lobbying

Each of these areas is discussed in Exhibit A to Resolution No. 14-4514.

## ANALYSIS/INFORMATION

1. **Known Opposition** – No known opposition



2. **Legal Antecedents** – this resolution certifies that the Portland metropolitan area is in compliance with Federal transportation planning requirements as defined in Title 23 of the Code of Federal Regulations, Parts 450 and 500, and title 49, of the Code of Federal Regulations, Part 613.
3. **Anticipated Effects** – Approval will mean that grants can be submitted and contracts executed so work can commence on July 1, 2014, in accordance with established Metro priorities.
4. **Budget Impacts** – Approval of this resolution is a companion to the UPWP. It is a prerequisite to receipt of Federal planning funds and is, therefore, critical to the Metro budget. The UPWP matches projects and studies reflected in the proposed Metro budget submitted by the Metro Chief Operating Officer to the Metro Council. The UPWP is subject to revision in the final adopted Metro budget.

#### **RECOMMENDED ACTION**

Approve Resolution No. 14-4514 certifying that the Portland metropolitan area is in compliance with Federal transportation planning requirements.

Agenda Item No. 3.3

**Resolution No. 14-4521**, For the Purpose of Amending the Natural Areas Acquisition Refinement Plans for the Forest Park Connections, Abernethy and Newell Creeks, Clear Creek, East Buttes, Gresham-Fairview Trail, Sandy River Gorge, and Tryon Creek Linkages Target Areas.

*Consent*

Metro Council Meeting  
Thursday, May 1, 2014  
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE	)	RESOLUTION NO. 14-4521
NATURAL AREAS ACQUISITION	)	
REFINEMENT PLANS FOR THE FOREST PARK	)	Introduced by Chief Operating Officer Martha
CONNECTIONS, ABERNETHY AND NEWELL	)	Bennett in concurrence with Council
CREEKS, CLEAR CREEK, EAST BUTTES,	)	President Tom Hughes
GRESHAM-FAIRVIEW TRAIL, SANDY RIVER	)	
GORGE, AND TRYON CREEK LINKAGES	)	
TARGET AREAS	)	

WHEREAS, at the election held on November 7, 2006, the voters approved Ballot Measure 26-80, authorizing Metro to issue \$227.4 million of general obligation bonds to fund natural area acquisition and water quality protection (the “Bond Measure”);

WHEREAS, on March 1, 2007, the Council approved Resolution No. 07-3766A, (“Authorizing the Chief Operating Officer to Purchase Property with Accepted Acquisition Guidelines as Outlined in the Natural Ares Implementation Work Plan,” authorizing the Metro Chief Operating Officer to acquire properties identified on a Council-approved target area confidential refinement map;

WHEREAS, the Forest Park Connections, Abernethy and Newell Creeks, Clear Creek, East Buttes, Gresham-Fairview Trail, and Tryon Creek Linkages Target Areas (hereinafter referred to collectively as the “Subject Target Areas”) were six of the identified 27 regional target areas set forth in the Bond Measure for land acquisition;

WHEREAS, as provided in the Bond Measure, Metro undertook a public refinement process to establish specific acquisition strategies, goals, and objectives for each of the target areas;

WHEREAS, in September of 2007, the Metro Council approved refinement plans for each of the target areas, along with confidential tax-lot specific maps;

WHEREAS, staff has since identified additional properties in the Subject Target Areas (the “Identified Properties”) that were not included on the original confidential tax-lot specific maps; and

WHEREAS, the Metro Council has reviewed the Identified Properties and determined that the acquisition of the Identified Properties are consistent with the goals of the refinement plans for each of the Subject Target Areas and the objectives of the Bond Measure; now therefore

BE IT RESOLVED that the Metro Council hereby.

1. Adopts the Forest Park Connections Target Area confidential tax-lot specific map signed by Council President Tom Hughes on \_\_\_\_\_, 2014, which map includes certain additional properties reviewed by the Council in Executive Session on July 30, 2103. This map shall replace the confidential map adopted with the approval of Resolution No. 08-3999 on November 6, 2008.
2. Adopts the Abernethy and Newell Creeks Target Area confidential tax-lot specific map signed by Council President Tom Hughes on \_\_\_\_\_, 2014, which map includes certain additional properties reviewed by the Council in Executive Session on April 10, 2014. This map shall replace the confidential map adopted with the approval of Resolution No. 07-3847 on September 13, 2007.

3. Adopts the Clear Creek Target Area confidential tax-lot specific map signed by Council President Tom Hughes on \_\_\_\_\_, 2014, which map includes certain additional properties reviewed by the Council in Executive Session on April 10, 2014. This map shall replace the confidential map adopted with the approval of Resolution No. 07-3843 on September 6, 2007.
4. Adopts the East Buttes Target Area confidential tax-lot specific map signed by Council President Tom Hughes on \_\_\_\_\_, 2014, which map includes certain additional properties reviewed by the Council in Executive Session on July 30, 2013. This map shall replace the confidential map adopted with the approval of Resolution No. 07-3852 on September 13, 2007.
5. Adopts the Gresham-Fairview Trail Target Area confidential tax-lot specific map signed by Council President Tom Hughes on \_\_\_\_\_, 2014, which map includes certain additional properties reviewed by the Council in Executive Session on April 10, 2014. This map shall replace the confidential map adopted with the approval of Resolution No. 07-3845 on September 13, 2007.
6. Adopts the Tryon Creek Linkages Target Area confidential tax-lot specific map signed by Council President Tom Hughes on \_\_\_\_\_, 2014, which map includes certain additional properties reviewed by the Council in Executive Session on April 10, 2014. This map shall replace the confidential map adopted with the approval of Resolution No. 07-3838 on September 6, 2007.
7. Adopts the Sandy River Gorge Target Area confidential tax-lot specific map signed by Council President Tom Hughes on \_\_\_\_\_, 2014, which map includes certain additional properties reviewed by the Council in Executive Session on April 10, 2014. This map shall replace the confidential map adopted with the approval of Resolution No. 07-3842 on September 6, 2007

ADOPTED by the Metro Council this \_\_\_\_\_ day of May, 2014.

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Tom Hughes, Council President

Approved as to Form:

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Alison R. Kean, Metro Attorney

## **STAFF REPORT**

IN CONSIDERATION OF RESOLUTION NO. 14-4521 FOR THE PURPOSE OF AMENDING THE NATURAL AREAS ACQUISITION REFINEMENT PLANS FOR THE FOREST PARK CONNECTIONS, ABERNETHY AND NEWELL CREEKS, CLEAR CREEK, EAST BUTTES, SANDY RIVER GORGE, AND TRYON CREEK LINKAGES TARGET AREAS

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Date: May 1, 2014

Prepared by: Kathleen Brennan-Hunter, 503-797-1948

## **BACKGROUND**

In September, 2007, the Metro Council adopted individual Refinement Plans for each of the 27 Target Areas of the 2006 Natural Areas Bond Measure. The Refinement Plans define target area goals and objectives and each plan includes a corresponding confidential tax lot map that identifies specific tax lot parcels in the respective target area (the “Confidential Refinement Maps”). The Metro Chief Operating Officer is authorized to acquire properties identified on the Confidential Refinement Maps in accordance with the acquisition guidelines set forth in the Natural Areas Implementation Work Plan (Resolution No. 07-3766A, adopted March 1, 2007). Allowing the Chief Operating Officer to acquire these properties without further Council approval enables staff to work with willing sellers in a timely, business-like manner, leaving the Metro Council to focus on policy-level issues. In the seven years since the adoption of the Target Area Refinement Plans, new information and opportunities have led staff to identify additional properties that merit consideration. Since the bond measure implementation, the maps have been amended six times.

Although these newly-identified properties were not called out on the Confidential Refinement Maps, they are consistent with the goals identified in the Refinement Plans. Furthermore, an anticipated development of Metro’s Natural Areas program has been to master plan some of the larger assembled acreages, and this has necessitated the acquisition of additional nearby properties. In this situation, the properties that are needed for better planning purposes are adjacent to Metro properties.

The identified opportunities fall into three general categories: (1) mapping adjustments: opportunities that were not identified in 2007 due to mapping omissions or because final planning data was not available, (2) properties that have been determined to benefit existing Metro properties that are undergoing planning activities, and (3) new habitat expansion opportunities: opportunities that could expand habitat protection that were not identified in 2007. Comments on the individual properties are below.

Included below are brief descriptions of the properties to be added. Staff has presented individual properties for inclusion into a Confidential Refinement Map in Executive Sessions on July 30, 2013 and April 10, 2014. In accordance with the original intent of the Confidential Refinement Maps, the properties are not more specifically identified in this Staff Report.

### **(1) MAPPING ADJUSTMENTS**

#### Forest Park Connections Target Area

One property containing two tax lots was identified and Metro is under contract to purchase the property, contingent on Metro Council approval. It is an inholding within over 300 acres of surrounding Metro property and should have been included on the original Confidential Refinement Map, but a mapping error causing the property to be overlooked. This property was reviewed with the Metro Council in Executive Session on July 30, 2013 and on April 10, 2014.

## (2) PROPERTIES THAT ARE PART OF MASTER PLANNING

### Abernethy and Newell Creeks Target Area

Eight tax lots have been identified as potential opportunities to enhance an entry and provide maintenance access to Metro properties in the Newell Creek Canyon, which area is being planned for formal public access in the future. This group of properties was reviewed during a Metro Council Executive Session on April 10, 2014.

### Clear Creek Target Area

Three tax lots are located in an area that, if acquired, would provide an acceptable access point to Metro's 580 acre Clear Creek ranch, which is being considered for limited public access in the future. This group of properties was reviewed during a Metro Council Executive Session on April 10, 2014.

### Gresham-Fairview Trail Target Area

Four tax lots could provide easements that are needed to enable the interim alignment for the final segment of this trail along NE 185<sup>th</sup> Avenue, between Sandy Blvd. and Marine Dr. This group of properties was reviewed during a Metro Council Executive Session on April 10, 2014.

## (3) HABITAT EXPANSION OPPORTUNITIES

### East Buttes Target Area

One tax lot exhibiting high natural resource and recreational value has been identified by a Metro partner. This property was reviewed during a Metro Council Executive Session on July 30, 2013 and on April 10, 2014.

### Tryon Creek Linkages Target Area

One tax lot has been identified that would enable appropriate access to Tryon Creek State Natural Area (owned and operated by Oregon Parks and Recreation Department). This property was reviewed during a Metro Council Executive Session on April 10, 2014.

### Sandy River Gorge Target Area

One tax lot has been identified that would create a natural buffer from an adjacent subdivision for the Oxbow Regional Park entrance and maintenance area. A partial acquisition or conservation easement would prevent logging on a sloped area affecting Metro property. This property was reviewed during a Metro Council Executive Session on April 10, 2014.

Resolution 14-4521 requests that the Metro Council amend the Confidential Refinement Maps for the above-listed Target Areas to allow for the acquisition of these newly-identified properties. Metro's acquisition of these properties would help achieve the goals of the Natural Areas Bond Measure

## ANALYSIS/INFORMATION

### 1. **Known Opposition**

None

### 2. **Legal Antecedents**

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

The voters approved Metro's 2006 Natural Areas Bond Measure at the general election held on November 7, 2006.

Resolution No. 07-3766A, “Authorizing the Chief Operating Officer to Purchase Property with Accepted Acquisition Guidelines as Outlined in the Natural Areas Implementation Work Plan”, was adopted by the Metro Council on March 1, 2007, and established the Acquisition Parameters and Due Diligence Guidelines for the purchase of properties as part of the 2006 Natural Areas Bond Program.

Resolution No. 07-3833, “Approving the Natural Areas Acquisition Refinement Plan for the Forest Park Connections Target Area”, was approved on September 6, 2007.

Resolution No. 07- 3838 “Approving the Natural Areas Acquisition Refinement Plan for the Tryon Creek Linkages Target Area”, was adopted on September 6, 2007.

Resolution No. 07-3842 “Approving the Natural Areas Acquisition Refinement Plan for the Sandy River Gorge Target Area” was adopted on September 6, 2007.

Resolution No. 07- 3843, “Approving the Natural Areas Acquisition Refinement Plan for the Clear Creek Target Area”, was adopted on September 6, 2007.

Resolution No. 07- 3847, “Approving the Natural Areas Acquisition Refinement Plan for the Abernethy and Newell Creeks Target Area”, was adopted on September 13, 2007.

Resolution No. 07- 3845, “Approving the Natural Areas Acquisition Refinement Plan for the Gresham- Fairview Trail Target Area”, was adopted on September 13, 2007.

Resolution No. 07- 3852 “Approving the Natural Areas Acquisition Refinement Plan for the East Buttes Target Area”, was adopted on September 13, 2007.

### **3. Anticipated Effects**

Acquisition of the newly-identified properties would help achieve the goals and purposes of the 2006 Natural Areas Bond Measure. Amended maps will be prepared for review and signature of the Metro Council President. Negotiations can begin with willing sellers that are associated with these subject properties.

### **4. Budget Impacts**

Acquisition opportunities identified in these amendments for the above Target Areas would be funded entirely with funds from the 2006 Natural Areas Bond Measure and grants that have been secured from other agencies.

## **RECOMMENDED ACTION**

The Chief Operating Officer recommends passage of Resolution No. 14-4521.

Agenda Item No. 4.1

**Resolution No. 14-4517**, For the Purpose of Approving a Contract Specific Special Procurement of Payroll Services for Stagehands Working at Portland's 5 Centers for the Arts.

*Contract Review Board*

Metro Council Meeting  
Thursday, May 1, 2014  
Metro, Council Chamber



BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF APPROVING A	)	RESOLUTION NO. 14-4517
CONTRACT SPECIFIC SPECIAL	)	
PROCUREMENT OF PAYROLL SERVICES FOR	)	Introduced by Tim Collier, Director Of
STAGEHANDS WORKING AT PORTLAND'S	)	Finance and Regulatory Services
CENTERS FOR THE ARTS	)	
	)	

WHEREAS, pursuant to Metro Code Section 2.04.024, the Metro Council delegated certain contract authority to the Metropolitan Exposition Recreation Commission (MERC) and the Metro Council is designated as the Contract Review Board for MERC; and

WHEREAS, Section 6 of MERC's Contracting and Purchasing Rules require that any specific contract designated as a special procurement must be approved by the Metro Council;

WHEREAS, Metro Code Section 2.04.053 authorizes the Metro Council in its capacity as the Contract Review Board to approve procurements of specific contracts not described in the Metro Code as special procurements, subject to the requirements of ORS 279B.085; and

WHEREAS, MERC intends to contract with Oregon Stagehands Inc. (OSI) for payroll services for the stagehands that work at the Portland's Centers for the Arts; and

WHEREAS, MERC desires to negotiate directly with OSI for payroll services for the stagehands at Portland's Centers for the Arts because MERC must use a mutually agreed upon payroll company under the terms of the collective bargaining agreement between MERC and IATSE, Local 28 and OSI is IATSE, Local 28's approved payroll company; and

WHEREAS, pursuant to ORS 279B.085(2), MERC has submitted the written request attached as Exhibit A that describes the contracting procedure, the services that are the subject of the special procurement and the circumstances that justify the use of a special procurement under the standards set forth ORS 279B.085(4); and

WHEREAS, pursuant to Metro Code 2.04.053(c) and ORS 279B.085, the Metro Contract Review Board finds that for the reasons set forth in the findings in Exhibit B, the use of a special procurement as described in Exhibit A will be unlikely to encourage favoritism in the awarding of public contracts, and will otherwise substantially promote the public interest in a manner that could not practically be realized by complying with the requirements that are applicable under ORS 279B.055, ORS 279B.060, ORS 279B.065, and ORS 279B.070; therefore

BE IT RESOLVED that the Metro Council, acting as the Metro Contract Review Board, approves a special procurement for the purpose of MERC entering a contract with Oregon Stagehands, Inc. for the provision of payroll services.

ADOPTED by the Metro Council, acting as the Contract Review Board for MERC, this \_\_\_\_ day of \_\_\_\_\_, 2014.

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Tom Hughes, Council President

Attest:

Approved as to Form:

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Troy Rayburn, Recorder

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Alison R. Kean, Metro Attorney

## Exhibit A

### Request by the Metropolitan Exposition Recreation Commission (MERC) in Support of a Contract Specific Special Procurement for Payroll Services with Oregon Stagehand Inc. (OSI)

Pursuant to ORS 279B.085, Metro Code Section 2.04.053 and Section 6 of MERC's Contracting and Purchasing Rules, MERC hereby requests approval by the Metro Contract Review Board of a contract specific special procurement for payroll services to allow MERC to directly negotiate with OSI. Under ORS 279B.085(2), contract specific special procurements require a written request to the local contract review board that describes the contracting procedure, the goods or services that are the subject of the special procurement and the circumstances that justify the special procurement in accordance with the standards set forth in ORS 279B.085(4).

Portland's Centers for the Arts (Portland's) intends to directly negotiate with OSI for the use of its payroll services. In accordance with Section 6B of MERC's Contracting and Purchasing Rules, this is the procedure chosen by the Chief Operating Officer as an appropriate method tailored to fit and in light of the demands, circumstances and market realities associated with obtaining stagehand payroll services.

Portland's employs fifteen department head stagehands to work in our five venues under the terms and conditions of a collective bargaining agreement between MERC and the International Alliance Theatrical Stage Employees (I.A.T.S.E.) Local 28. As part of their benefits, these stagehands are able to accrue vacation time and/or request time off from work. While Portland's strives to employ one of the other fifteen stagehands to cover shows in these circumstances, it is not always possible. Under the terms and conditions of the collective bargaining agreement, Portland's hires relief heads that must be able to perform all the typical duties of a department head through IATSE 28.

As is the nature of stagehand work, relief heads frequent our venues on an inconsistent basis. There are more than two dozen potential workers in our pool of relief heads. Per the terms and conditions of the collective bargaining agreement, Portland's must use a mutually agreed upon company to perform payroll functions for these relief heads.

Local 28 dispatches stage workers throughout the Portland Metropolitan region. Besides some employers who handle their payroll functions directly, Oregon Stagehands Inc (OSI) is the payroll services company that Local 28 agrees to use. For these reasons, MERC requests that the Metro Council as the local contract review board for MERC approve the OSI stagehand payroll procurement as a contract specific special procurement and allow direct negotiations with OSI.

## Exhibit B

### Findings in Support of Contract Specific Procurement

Pursuant to ORS 279B.085, Metro Code Section 2.04.24 and Section 6 of the Metropolitan Exposition Recreation Commission (MERC) Contracting and Purchasing Rules, the Metro Contract Review Board, acting as the local contract review board for MERC, makes the following findings in support of MERC's request for a contract specific special procurement for payroll services with Oregon Stagehands Inc. (OSI):

1. The use of a contract specific special procurement is unlikely to encourage favoritism or substantially diminish competition.

The Metro Contract Review Board finds that the approval of a contract specific special procurement for payroll services and the use of direct negotiations with OSI is "unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts." The collective bargaining agreement between MERC and IATSE, Local 28 requires a mutually agreed upon payroll company for the use of Relief Department Heads at the Portland's theaters. OSI is the mutually agreed upon payroll company under collective bargaining agreement. OSI was created specifically to handle the unique payroll requirements for union stagehands. MERC is not aware of any other payroll company that the union will agree to under the CBA and that has the capacity to perform the services required. In this regard, MERC is not encouraging favoritism or diminishing competition. MERC is complying with the terms of the collective bargaining agreement.

2. The use of a contract specific special procurement otherwise promotes the public interest in a manner that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.070 or under rules adopted thereunder.

The Metro Contract Review Board finds that the approval of this contract specific special procurement promotes the public interest. Since there is only one approved payroll company under the collective bargaining agreement, the use of another procurement process would serve no purpose. Undertaking procurement process under ORS 279B.055, 279B.060, or 279B.070 would only waste time and resources since the ultimate decision on the payroll company is addressed in the collective bargaining agreement. Further, OSI already provides these services for the IATSE, Local 28 stagehands for the Portland metropolitan area for both clients of the Portland's and other venues. The public interest is best served by approving the request by MERC for a contract specific special procurement for payroll services with OSI and to allow direct negotiations with the mutually agreed upon payroll company under the collective bargaining agreement.

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4517, FOR THE PURPOSE OF  
APPROVING A CONTRACT SPECIFIC SPECIAL PROCUREMENT OF PAYROLL  
SERVICES FOR STAGEHANDS WORKING AT PORTLAND'S CENTERS FOR THE ARTS

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Date: 5/1/2014

Prepared by: Tim Collier X1913  
Jason Blackwell 503-274-6576

### BACKGROUND

The purpose of this resolution is to allow the Metropolitan Exposition and Recreation Commission (MERC) to be able to enter into direct negotiations with Oregon Stagehands, Inc. (OSI) to provide payroll services for union stagehands. The collective bargaining agreement between MERC and IATSE, Local 28 requires a mutually agreed upon payroll company for the use of Relief Department Heads at the Portland's theaters. OSI is the mutually agreed upon payroll company under the collective bargaining agreement (CBA). OSI was created specifically to handle the unique payroll requirements for union stagehands. MERC is not aware of any other payroll company that the union will agree to under the CBA and that has the capacity to perform the services required. In this regard, MERC is not encouraging favoritism or diminishing competition. MERC is complying with the terms of the collective bargaining agreement.

Additional information and the findings for this item can be found in Exhibits A and B attached to the resolution.

### ANALYSIS/INFORMATION

1. **Known Opposition** None Known
2. **Legal Antecedents** Metro Code Section 2.04.053 authorizes the Metro Council in its capacity as the Contract Review Board to approve procurements of specific contracts not described in the Metro Code as special procurements, subject to the requirements of ORS 279B.085.
3. **Anticipated Effects** Adoption of this resolution will allow MERC to directly negotiate with Oregon Stagehands, Inc. to enter into a contract to provide payroll services for union stagehands.
4. **Budget Impacts** Eventual contract negotiation will lead to a cost for the service. However, this is included in the Portland's ongoing budget.

### RECOMMENDED ACTION

Staff recommends adoption of Resolution 14-4517

Agenda Item No. 5.1

**Ordinance No. 14-1329**, For the Purpose of Amending Title 4  
of the Urban Growth Management Functional Plan Regarding  
the Establishment of Trails and Associated Facilities in  
Regionally Significant Industrial Areas.

*Ordinances – First Read*

Metro Council Meeting  
Thursday, May 1, 2014  
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING	)	ORDINANCE NO. 14-1329
TITLE 4 OF THE URBAN GROWTH	)	
MANAGEMENT FUNCTIONAL PLAN	)	Introduced by Martha J. Bennett, Chief
REGARDING THE ESTABLISHMENT OF	)	Operating Officer, with the concurrence of
TRAILS AND ASSOCIATED FACILITIES IN	)	Tom Hughes, Council President
REGIONALLY SIGNIFICANT INDUSTRIAL	)	
AREAS	)	

WHEREAS, on December 16, 2010 the Metro Council adopted Ordinance No. 10-1244B, which included amendments to Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan (UGMFP); and

WHEREAS, those amendments included the addition of new protections for Regionally Significant Industrial Areas (RSIAs) under Metro Code Section 3.07.420.D that require cities and counties within the Metro region to adopt land use regulations for RSIAs that “prohibit the siting of parks intended to serve people other than those working or residing in the RSIA”; and

WHEREAS, on February 28, 2013 the Metro Council adopted Resolution No. 13-4415 approving Metro’s Ice Age Tonquin Trail Master Plan, which describes a proposed 22-mile regional trail facility connecting the Tualatin River to the Willamette River and includes a preferred trail alignment that crosses through an area southwest of the City of Tualatin that is mapped with an RSIA designation; and

WHEREAS, on November 1, 2013 the Land Use Board of Appeals (LUBA) issued an opinion in *Terra Hydr v. City of Tualatin*, LUBA No. 2013-016, holding that the proposed regional trail described by Metro’s Ice Age Tonquin Trail Master Plan fell within the meaning of a “park” as that word is used in Metro Code 3.07.420.D and therefore would not be allowed within the RSIA; and

WHEREAS, on April 23, 2014, the Metro Policy Advisory Committee voted to recommend that the Metro Council approve the proposed amendment to Title 4 in order to ensure that the Metro Code does not prohibit trails and associated facilities from being located within industrial areas in the Metro region; and

WHEREAS, the Metro Council has determined that the protections created in Metro Code 3.07.420.D should not be construed to prohibit trails and associated facilities that provide active transportation options and pedestrian and bicycle connectivity from crossing through an RSIA; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Section 3.07.420.D of the Metro Code is hereby amended as follows:

“D. Cities and counties shall review their land use regulations and revise them, if necessary, to prohibit the siting of schools, places of assembly larger than 20,000 square feet or parks intended to serve people other than those working or residing in the RSIA. Nothing in this subsection is intended to prohibit trails and associated facilities from being located within an area designated RSIA on Metro’s Title 4 Map, including but not limited to trailhead amenities, parking

areas, benches, information kiosks, restrooms, shelters, bicycle racks, picnic areas and educational facilities.”

ADOPTED by the Metro Council this \_\_\_\_\_ day of May 2014.

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

Attest:

Approved as to Form:

\_\_\_\_\_  
Troy Rayburn, Recording Secretary

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



## **STAFF REPORT**

### **IN CONSIDERATION OF ORDINANCE NO. 14-1329, FOR THE PURPOSE OF AMENDING TITLE 4 OF THE URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN REGARDING THE ESTABLISHMENT OF TRAILS AND ASSOCIATED FACILITIES IN REGIONALLY SIGNIFICANT INDUSTRIAL AREAS**

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Date: April 24, 2014

Prepared by: Roger Alfred

#### **PROPOSED ACTION**

Adoption of Ordinance No. 14-1329 amending Title 4 of Metro's Functional Plan to expressly allow the establishment of trails and related facilities within Regionally Significant Industrial Areas.

#### **PURPOSE OF PROPOSED AMENDMENT**

The purpose of the proposed amendment is to respond to an issue arising out of a LUBA decision regarding the potential location of the Ice Age Tonquin Trail in a Regionally Significant Industrial Area (RSIA) near the City of Tualatin. LUBA held that the trail, as described in Metro's Ice Age Tonquin Trail Master Plan (IATTMP), fell within the meaning of a "park" that would be prohibited within an RSIA under Metro's existing Title 4 rules. The proposed amendment provides a clear legislative statement of the Metro Council's intent that this type of trail and facilities associated with the trail are allowed within an RSIA.

#### **BACKGROUND**

On February 28, 2013, the Metro Council adopted Resolution No. 13-4414 approving the IATTMP, which describes a proposed 22-mile regional trail facility connecting the Tualatin River to the Willamette River and includes a preferred trail alignment that crosses through an area southwest of the City of Tualatin that is mapped with an RSIA designation. The IATTMP was also adopted via resolution by Washington County and the Cities of Tualatin and Sherwood. At the same time, the City of Tualatin also adopted, via ordinance, amendments to its Transportation System Plan (TSP) that included elements of the trail, including a map showing the preferred alignment as described in Metro's master plan.

All five decisions were appealed to LUBA by the "Tonquin Industrial Group" (TIG), which is a coalition of property owners in the RSIA directly southwest of the City of Tualatin. The TIG is concerned about potential impacts to their industrial operations from the trail being located across their properties. At LUBA the TIG argued, among other things, that the trail constitutes a "park" that is prohibited within an RSIA under existing Metro Title 4 rules.

LUBA held that the adoption of the IATTMP by Metro, the City of Tualatin, and Washington County did not constitute "final land use decisions" subject to LUBA jurisdiction. Therefore, LUBA dismissed those appeals without considering the substance of TIG's arguments. LUBA's decision to reject TIG's appeal and dismiss Metro's adoption of the IATTMP was subsequently upheld by the Oregon Court of Appeals.

However, the City of Tualatin's ordinance adopting amendments to its TSP, which included a map showing the preferred alignment of the trail, was clearly a final land use decision. Therefore, LUBA considered the substance of TIG's arguments in that one appeal. Although LUBA rejected eight out of

nine sets of arguments raised by the opponents, LUBA agreed that the trail as described in the IATTMP fell within the meaning of a “park” as that term is used in Metro Code 3.07.420.D, which prohibits “parks intended to serve people other than those working or residing in the RSIA.”

In the absence of a definition of the word “park” under Title 4, LUBA relied in part on a dictionary definition of a park as a public “place of beauty or of public recreation.” LUBA noted that the IATTMP describes not just a trail but many other facilities including trailhead amenities, restrooms, picnic areas and information centers. Therefore, LUBA concluded that the IATTMP fell within the meaning of a “park” that would be prohibited in the RSIA under Title 4.

## **NEED FOR PROPOSED AMENDMENT**

Proposed Ordinance No. 14-1329 provides a clear legislative statement that the Metro Council intends to allow the establishment of trails such as the Ice Age Tonquin Trail and their associated facilities within RSIA's. This is an important legislative fix that transcends the immediate dispute with the TIG because, in the absence of this amendment, LUBA’s decision creates legally binding precedent that would prohibit Metro and other local governments from locating trails within RSIA's anywhere in the region. In addition to the Ice Age Tonquin Trail, the following existing and proposed trails all include segments within an RSIA, and the proposed amendment is therefore necessary to ensure they can be planned and developed:

- Columbia Slough Trail and Marine Drive Trail, North and NE Portland (existing)
- Springwater Corridor, Gresham (existing)
- Gresham-Fairview Trail Phase 5 (proposed)
- Willamette River Greenway, North and NW Portland (proposed)
- 40-Mile Loop Trail, Gresham (proposed)
- Clackamas Bluffs Trail, Happy Valley (proposed)
- Waible Creek Greenway, Hillsboro (proposed)

By 2035, about half a million more people are expected to live within the Metro UGB, and the percentage of roadways experiencing severe congestion is expected to increase dramatically. Increasing congestion has real economic costs. Dedicated regional trails for pedestrians and cyclists will help free roadways for other users. Regional trails are the preferred travel corridor for walking and riding because they are safe and fast, and because they can offer a natural experience that is removed from the noisy and hectic urban environment.

In April 2008 the Metro Council appointed a Blue Ribbon Committee for Trails to evaluate where regional trails fit in the region's priorities and recommend potential strategies for expanding the region's trail network. The committee recommended that regional trails are vitally important to local communities because they provide alternative transport routes and ways to connect with nature. The committee also concluded that investments in bike and pedestrian travel will produce significant environmental, livability, health and economic benefits to the region.

The Metro Technical Advisory Committed (MTAC) considered the proposed amendment at its meeting on March 19, 2014 and recommended revisions to clearly state that all facilities associated with a trail are also allowed within an RSIA. MTAC reviewed OMA’s revisions at its meeting on April 3, 2014 and unanimously recommended approval by the Metro Policy Advisory Committee (MPAC).

MPAC considered the proposed amendments at its meeting on April 23, 2014 and voted to recommend approval of the proposed amendments to the Metro Council.

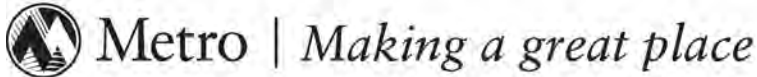
## ANALYSIS/INFORMATION

1. **Known Opposition:** It is anticipated that a representative of the TIG may appear in opposition to the proposed amendments, and may argue that rather than amending Title 4, the Metro Council should instead amend the IATTMP to relocate the preferred alignment of the Tonquin Trail to a location that does not cross their properties.
2. **Legal Antecedents:** Metro Urban Growth Management Functional Plan Title 4; Metro Resolution No. 13-4414 approving the IATTMP; LUBA opinion in *Terra Hydr v. City of Tualatin*, \_\_\_ Or LUBA \_\_\_ (LUBA No. 2013-016, November 1, 2013).
3. **Anticipated Effects:** Adopting this ordinance will allow Metro and other local governments to locate trails and associated facilities within areas mapped RSIA under Title 4 of the Urban Growth Management Functional Plan. Several segments of existing regional trails are located within RSIA's, and this amendment will remove any legal uncertainty about the location of those trails under Title 4.
4. **Budget Impacts** None

## RECOMMENDED ACTION

The Office of Metro Attorney recommends adoption of Ordinance No. 14-1329.

Materials following this page were distributed at the meeting.



**METRO COUNCIL MEETING**  
**Meeting Minutes**  
April 24, 2014  
Metro, Council Chamber

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

Excused: Council President Tom Hughes and Counselor Craig Dirksen

Deputy Council President Chase noted a quorum was present and called the regular council meeting to order at 2:05 p.m.

**1. INTRODUCTIONS**

There were none.

**2. CITIZEN COMMUNICATIONS**

Les Poole, Gladstone

Mr. Poole spoke to the Metro Council about a number of issues including Clackamas County, Metro budget, news coverage, community outreach, and the Grand Bargain.

Jacob Potter and Matt Ellison, Portland

Mr. Potter and Mr. Ellison spoke to the Council about temporary zoo employees and what they believe to be cost saving measures. They noted by not contracting with temporary employment agencies to supply zoo employees will save costs by making current temporary employees permanent staff positions. They also noted the cost of living on a temporary employee's wage or income.

**3. LEAVE MANAGEMENT FOLLOW-UP AUDIT REPORT**

Deputy Council President Chase introduced Metro Auditor Suzanne Flynn. Auditor Flynn introduced Kathryn Nichols, senior management auditor, to assist in presenting. Auditor Flynn noted that the audit was data intensive and provided an overview of the objectives behind conducting the audit. She noted phases that guided the audit report including federally and state-protected family leave guidelines and the importance of working in conjunction with the Department of Human Resources. Deputy Council President Chase introduced Human Resources Director Mary Rowe to provide the management response. Ms. Rowe noted the professionalism in which the audit was conducted and expressed her appreciation for a job well done. She went on to outline a series of points that management

worked on with the Auditor to ensure accuracy and improvement including timekeeping methods, reporting

capabilities, and cost effectiveness. Council noted the need for language consistency or a glossary of terms/words used to describe level of completion, current status, etc.

#### **4. CONSIDERATION OF THE COUNCIL MINUTIES FOR APRIL 17, 2014**

**Deputy Council President Chase called for a motion. Councilor Collette moved the minutes. Councilor Stacey seconded. The motion passed unanimously, 5-0-0.**

#### **5. RESOLUTIONS**

- 5.1 Deputy Council President Chase called on Metro Chief Operating Officer Martha Bennett in her capacity as the Acting Budget Officer to introduce the Fiscal Year 2014-15 Annual Budget and budget message. Ms. Bennett introduced the Director of the Office of Finance and Regulatory Services Tim Collier and provided an overview of the proceedings.

She noted that no resolution was to be adopted at this time and the day's proceeding is only the first step in a very public process to adopt the budget. Ms. Bennett presented a detailed staff report and walked the Council through a corresponding PowerPoint presentation outlining a three-step budget process.

The first step being to present the Fiscal Year 2014-15 Annual Budget and budget message to Metro Council in its capacity as the Budget Committee. Second, she noted the role of the Tax Supervising Conservation Commission (TSCC). Last, after TSCC has done its due diligence the proposed budget will come back to the Metro Budget Committee for adoption. Ms Bennett confirmed that every process step there is public hearing.

Budget focus includes:

1. Maintenance of the core operational services that are required by Metro;
2. Confirmation that the proposed budget is an effective spending plan for Metro's strategic direction as a region and as an entity; and
3. Alignment with Council's priorities and projects.

The Acting Budget Officer briefed the Council on the current economic recovery and its relationship to previous economic trends including affects of the Great Recession. She highlighted how economic trends impact Metro's revenue stream and service delivery.

Ms. Bennett spoke to the details associated with various budget classifications or sections including the General Fund, MERC Fund, Bond Funds, Mid-Term Goals, One-time Funds, and limiting New Programs and Activities.

Ms. Bennett ended by noting that Metro's financial and fiscal discipline has put it in a very strong position, but balance is still required.

The Acting Budget Officer invited Metro Auditor Suzanne Flynn to come forward and present her proposed budget. Auditor Flynn highlighted her mission, strategic decision points and a list of audit reports either presented or planned for the future. She noted

the line-items of her budget including materials and services, personnel, and merit pay increases and benefits.

Deputy Council President Chase expressed his appreciation for the Acting Budget Officer and the Director of the Office of Finance and Regulatory Services' excellent work and called on Council for comments and questions. Council asked questions pertaining to the influence of the recession on available resources, compression, and the Expo budget in relationship to capital expenditures. Seeing no further questions, Deputy Council President Chase closed Council question and comment.

5.1.1 Resolution No. 4515, For the Purpose of Adopting the Annual Budget for Fiscal Year 2014-15, Making Appropriations, levying Ad Valorem Taxes and Authorizing an Interfund Loan.

5.1.2 Public Hearing on Resolution No. 14-4515

Deputy Council President Chase opened a public hearing on Resolution No. 14-4515 and asked if there was anyone in the audience who wished to come forward and testify on Metro's proposed budget. Seeing none, he closed the public hearing.

Deputy Council President Chase outlined the process and corresponding dates.

## 6. CHIEF OPERATING OFFICER COMMUNICATION

Deputy Council President Chase called on Ms. Bennett for any updates. Ms. Bennett noted two items: a summary of the Regional Solutions Advisory Committee meeting that took place earlier in the day, and two, a summary of the Washington County Managers meeting from the previous day.

## 7. COUNCILOR COMMUNICATIONS

Councilor Collette spoke to field visit she participated on to the San Jose Commercial Garbage Facility while in California on vacation. She highlighted the Facilities work in relation to recovery of commercial waste, waste energy, and sorting technology and procedures. Deputy Council President Chase briefed the Council on MPAC's recent meeting.

## ADJOURN

There being no further business, Deputy Council President Chase adjourned the regular meeting at 3:15 p.m. The Metro Council will convene in next regular council meeting on Thursday, May 1 at 2 p.m. at Metro's Council Chamber.

### **SUPPLEMENTAL HANDOUTS** (additional information distributed):

- Council Meeting Minutes, April 17, 2014
- Proposed Budget FY 2014-15 Budget Presentation (Both PowerPoint presentation and hardcopy handout)
- FY 2014-15 Proposed Budget by the Numbers fact sheet

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE	)	RESOLUTION NO. 14-4521
NATURAL AREAS ACQUISITION	)	
REFINEMENT PLANS FOR THE FOREST PARK	)	Introduced by Chief Operating Officer Martha
CONNECTIONS, ABERNETHY AND NEWELL	)	Bennett in concurrence with Council
CREEKS, CLEAR CREEK, EAST BUTTES,	)	President Tom Hughes
GRESHAM-FAIRVIEW TRAIL, SANDY RIVER	)	
GORGE, AND TRYON CREEK LINKAGES	)	
TARGET AREAS	)	

WHEREAS, at the election held on November 7, 2006, the voters approved Ballot Measure 26-80, authorizing Metro to issue \$227.4 million of general obligation bonds to fund natural area acquisition and water quality protection (the “Bond Measure”);

WHEREAS, on March 1, 2007, the Council approved Resolution No. 07-3766A (“Authorizing the Chief Operating Officer to Purchase Property with Accepted Acquisition Guidelines as Outlined in the Natural Ares Implementation Work Plan”) authorizing the Metro Chief Operating Officer to acquire properties identified on Council-approved target area confidential refinement maps;

WHEREAS, the Forest Park Connections, Abernethy and Newell Creeks, Clear Creek, East Buttes, Gresham-Fairview Trail, and Tryon Creek Linkages Target Areas (hereinafter referred to collectively as the “Subject Target Areas”) were six of the identified 27 regional target areas set forth in the Bond Measure for land acquisition;

WHEREAS, as provided in the Bond Measure, Metro undertook a public refinement process to establish specific acquisition strategies, goals, and objectives for each of the target areas;

WHEREAS, in September of 2007, the Metro Council approved refinement plans for each of the target areas, along with confidential tax-lot specific maps;

WHEREAS, staff has since identified additional properties in the Subject Target Areas (the “Identified Properties”) that were not included on the original confidential tax-lot specific maps; and

WHEREAS, the Metro Council has reviewed the Identified Properties and determined that the acquisition of the Identified Properties are consistent with the goals of the refinement plans for each of the Subject Target Areas and the objectives of the Bond Measure; now therefore

BE IT RESOLVED that the Metro Council hereby:

- Adopts the Forest Park Connections Target Area confidential tax-lot specific map signed by Council President Tom Hughes on April 29, \_\_\_\_\_, 2014, which map includes certain additional properties reviewed by the Council in Executive Session on July 30, ~~2103~~2013. This map shall replace the confidential map adopted with the approval of Resolution No. 08-3999 on November 6, 2008.
- Adopts the Abernethy and Newell Creeks Target Area confidential tax-lot specific map signed by Council President Tom Hughes on April 29, \_\_\_\_\_, 2014, which map includes certain additional properties reviewed by the Council in Executive Session on April 10, 2014. This map shall replace the confidential map adopted with the approval of Resolution No. 07-3847 on September 13, 2007.



3. Adopts the Clear Creek Target Area confidential tax-lot specific map signed by Council President Tom Hughes on ~~April 29, 2014~~, 2014, which map includes certain additional properties reviewed by the Council in Executive Session on April 10, 2014. This map shall replace the confidential map adopted with the approval of Resolution No. 07-3843 on September 6, 2007.
4. Adopts the East Buttes Target Area confidential tax-lot specific map signed by Council President Tom Hughes on ~~April 29,~~, 2014, which map includes certain additional properties reviewed by the Council in Executive Session on July 30, 2013. This map shall replace the confidential map adopted with the approval of Resolution No. 07-3852 on September 13, 2007.
5. Adopts the Gresham-Fairview Trail Target Area confidential tax-lot specific map signed by Council President Tom Hughes on ~~April 29, 2014~~, 2014, which map includes certain additional properties reviewed by the Council in Executive Session on April 10, 2014. This map shall replace the confidential map adopted with the approval of Resolution No. 07-3845 on September 13, 2007.
6. Adopts the Tryon Creek Linkages Target Area confidential tax-lot specific map signed by Council President Tom Hughes on ~~April 29, 2014~~, 2014, which map includes certain additional properties reviewed by the Council in Executive Session on April 10, 2014. This map shall replace the confidential map adopted with the approval of Resolution No. 07-3838 on September 6, 2007.
7. Adopts the Sandy River Gorge Target Area confidential tax-lot specific map signed by Council President Tom Hughes on ~~April 29,~~, 2014, which map includes certain additional properties reviewed by the Council in Executive Session on April 10, 2014. This map shall replace the confidential map adopted with the approval of Resolution No. 07-3842 on September 6, 2007

ADOPTED by the Metro Council this \_\_\_\_\_ day of May, 2014.

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Tom Hughes, Council President

Approved as to Form:

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Alison R. Kean, Metro Attorney

## **STAFF REPORT**

IN CONSIDERATION OF RESOLUTION NO. 14-4521 FOR THE PURPOSE OF AMENDING THE NATURAL AREAS ACQUISITION REFINEMENT PLANS FOR THE FOREST PARK CONNECTIONS, ABERNETHY AND NEWELL CREEKS, CLEAR CREEK, EAST BUTTES, SANDY RIVER GORGE, AND TRYON CREEK LINKAGES TARGET AREAS

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Date: May 1, 2014

Prepared by: Kathleen Brennan-Hunter, 503-797-1948

## **BACKGROUND**

In September, 2007, the Metro Council adopted individual Refinement Plans for each of the 27 Target Areas of the 2006 Natural Areas Bond Measure. The Refinement Plans define target area goals and objectives and each plan includes a corresponding confidential tax lot map that identifies specific tax lot parcels in the respective target area (the “Confidential Refinement Maps”). The Metro Chief Operating Officer is authorized to acquire properties identified on the Confidential Refinement Maps in accordance with the acquisition guidelines set forth in the Natural Areas Implementation Work Plan (Resolution No. 07-3766A, adopted March 1, 2007). Allowing the Chief Operating Officer to acquire these properties without further Council approval enables staff to work with willing sellers in a timely, business-like manner, leaving the Metro Council to focus on policy-level issues. In the seven years since the adoption of the Target Area Refinement Plans, new information and opportunities have led staff to identify additional properties that merit consideration. Since the bond measure implementation, the maps have been amended six times.

Although these newly-identified properties were not called out on the Confidential Refinement Maps, they are consistent with the goals identified in the Refinement Plans. Furthermore, an anticipated development of Metro’s Natural Areas program has been to master plan some of the larger assembled acreages, and this has necessitated the acquisition of additional nearby properties. In this situation, the properties that are needed for better planning purposes are adjacent to Metro properties.

The identified opportunities fall into three general categories: (1) mapping adjustments: opportunities that were not identified in 2007 due to mapping omissions or because final planning data was not available, (2) properties that have been determined to benefit existing Metro properties that are undergoing planning activities, and (3) new habitat expansion opportunities: opportunities that could expand habitat protection that were not identified in 2007. Comments on the individual properties are below.

Included below are brief descriptions of the properties to be added. Staff has presented individual properties for inclusion into a Confidential Refinement Map in Executive Sessions on July 30, 2013 and April 10, 2014. In accordance with the original intent of the Confidential Refinement Maps, the properties are not more specifically identified in this Staff Report.

### **(1) MAPPING ADJUSTMENTS**

#### Forest Park Connections Target Area

One property containing two tax lots was identified and Metro is under contract to purchase the property, contingent on Metro Council approval. It is an inholding within over 300 acres of surrounding Metro property and should have been included on the original Confidential Refinement Map, but a mapping error causing the property to be overlooked. This property was reviewed with the Metro Council in Executive Session on July 30, 2013 and on April 10, 2014.

## (2) PROPERTIES THAT ARE PART OF MASTER PLANNING

### Abernethy and Newell Creeks Target Area

Eight tax lots have been identified as potential opportunities to enhance an entry and provide maintenance access to Metro properties in the Newell Creek Canyon, which area is being planned for formal public access in the future. This group of properties was reviewed during a Metro Council Executive Session on April 10, 2014.

### Clear Creek Target Area

Three tax lots are located in an area that, if acquired, would provide an acceptable access point to Metro's 580 acre Clear Creek ranch, which is being considered for limited public access in the future. This group of properties was reviewed during a Metro Council Executive Session on April 10, 2014.

### Gresham-Fairview Trail Target Area

Four tax lots could provide easements that are needed to enable the interim alignment for the final segment of this trail along NE 185<sup>th</sup> Avenue, between Sandy Blvd. and Marine Dr. This group of properties was reviewed during a Metro Council Executive Session on April 10, 2014.

## (3) HABITAT EXPANSION OPPORTUNITIES

### East Buttes Target Area

One tax lot exhibiting high natural resource and recreational value has been identified by a Metro partner. This property was reviewed during a Metro Council Executive Session on July 30, 2013 and on April 10, 2014.

### Tryon Creek Linkages Target Area

One tax lot has been identified that would enable appropriate access to Tryon Creek State Natural Area (owned and operated by Oregon Parks and Recreation Department). This property was reviewed during a Metro Council Executive Session on April 10, 2014.

### Sandy River Gorge Target Area

One tax lot has been identified that would create a natural buffer from an adjacent subdivision for the Oxbow Regional Park entrance and maintenance area. A partial acquisition or conservation easement would prevent logging on a sloped area affecting Metro property. This property was reviewed during a Metro Council Executive Session on April 10, 2014.

Resolution 14-4521 requests that the Metro Council amend the Confidential Refinement Maps for the above-listed Target Areas to allow for the acquisition of these newly-identified properties. Metro's acquisition of these properties would help achieve the goals of the Natural Areas Bond Measure.

## ANALYSIS/INFORMATION

### 1. **Known Opposition**

None

### 2. **Legal Antecedents**

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

The voters approved Metro's 2006 Natural Areas Bond Measure at the general election held on November 7, 2006.

Resolution No. 07-3766A, “Authorizing the Chief Operating Officer to Purchase Property with Accepted Acquisition Guidelines as Outlined in the Natural Areas Implementation Work Plan”, was adopted by the Metro Council on March 1, 2007, and established the Acquisition Parameters and Due Diligence Guidelines for the purchase of properties as part of the 2006 Natural Areas Bond Program.

Resolution No. 07-3833, “Approving the Natural Areas Acquisition Refinement Plan for the Forest Park Connections Target Area”, was approved on September 6, 2007.

Resolution No. 07- 3838 “Approving the Natural Areas Acquisition Refinement Plan for the Tryon Creek Linkages Target Area”, was adopted on September 6, 2007.

Resolution No. 07-3842 “Approving the Natural Areas Acquisition Refinement Plan for the Sandy River Gorge Target Area” was adopted on September 6, 2007.

Resolution No. 07- 3843, “Approving the Natural Areas Acquisition Refinement Plan for the Clear Creek Target Area”, was adopted on September 6, 2007.

Resolution No. 07- 3847, “Approving the Natural Areas Acquisition Refinement Plan for the Abernethy and Newell Creeks Target Area”, was adopted on September 13, 2007.

Resolution No. 07- 3845, “Approving the Natural Areas Acquisition Refinement Plan for the Gresham- Fairview Trail Target Area”, was adopted on September 13, 2007.

Resolution No. 07- 3852 “Approving the Natural Areas Acquisition Refinement Plan for the East Buttes Target Area”, was adopted on September 13, 2007.

### **3. Anticipated Effects**

Acquisition of the newly-identified properties would help achieve the goals and purposes of the 2006 Natural Areas Bond Measure. Amended maps will be prepared for review and signature of the Metro Council President. Negotiations can begin with willing sellers that are associated with these subject properties.

### **4. Budget Impacts**

Acquisition opportunities identified in these amendments for the above Target Areas would be funded entirely with funds from the 2006 Natural Areas Bond Measure and grants that have been secured from other agencies.

## **RECOMMENDED ACTION**

The Chief Operating Officer recommends passage of Resolution No. 14-4521.